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THE
COUNCIL of TRENT
No Free ASSEMBLY:

More fully discovered
By a Collection of *Letters and Papers*
of the Learned Dr. *VARGAS* and other
Great Ministers, who assisted at the said
Synod in Considerable Posts.

Published from the Original Manuscripts
in *Spanish*, which were procured by the
Right Honourable Sir *William Trumbull's*
Grandfather, Envoy at *Brussels* in the Reign
of King *James the First*.

With an *Introductory Discourse* concerning
Councils, shewing how they were brought
under Bondage to the Pope.

By *MICHAEL GEDDES* LL.D.
and Chancellor of the Cathedral Church
of *Sarum*.

L O N D O N,
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T O T H E
Right Reverend Father in God
E D W A R D,
By Divine Providence,
Lord Bishop of *Worcester.*

May it please your Lordship,

H*AD your Lordship no other Relation to the following Papers, which do so plainly discover the absolute Bondage the Trent Council was in to the Pope, but only that of your being universally acknowledged one of the ablest Champions the Church of England, or any other Church ever brought forth against Popery, over which your Victories and Triumphs are numbered no otherwise, than by the many Combats you have had with it; that alone would have led me to the doing both these Papers, and my self the honour of prefixing your Famous*
A 2 Name

The Dedication.

Name to them: But when besides that, the Originals of these Papers were put into my Hands by your Lordship, to be translated, and made publick for the Service of the Church, this afforded me so just a Pretence for the doing of it, that the Ambition I have of owning to the World how much I have been beholden to your Lordship, would not suffer me not to make use of. And having said this, I will not interrupt your better Exercises by detaining your Lordship any longer, but shall continue my Prayers to God, that he would be so gracious to his Church, whose very Foundations are at this time so fiercely attacked, as to restore you to perfect Health, and to grant you a long Life to defend Her against those Enemies of Hers with whom she now struggles, with the same Success that you had formerly against the Papists her standing Enemies. I humbly beg your Lordship's Blessing, and am

Your Lordship's most humble, and
most obliged Servant,

M. GEDDES.

An Introductory Discourse of COUNCILS.

*Quid enim minus deest Tyrannis, quam falsas pro
veris causis effingere?*

THE Letters I here publish, are an undeniable Evidence of the Council of *Trent's* having been in such Bondage to the Pope, that tho it had been never so well disposed, it was not in its Power to have reformed the Church: But to open that Matter better, a short and faithful Account of the Incroachments that have been made on the Authority of Councils by the Bishops of *Rome*, which here followeth, seems to be no improper Introduction to the reading of them.

The Catholick Church being a Society instituted by Christ, into which the People of all Nations having submitted themselves to him as their Law-giver, were to be admitted; Christ must necessarily be supposed, at the same time that he erected his Church into a Society, to have prescribed a certain Form of Government to it, with a Power to make such Laws and Orders as should be necessary to its Preservation; as also to punish such of its Members as should obstinately deny any of the great Truths, or transgress any of the known Duties,

a

ties, which upon their admission into it, they did solemnly promise and vow to believe and observe.

Now this being supposed, which of the three Forms of Government, Democracy, Monarchy, or Aristocracy, is the best, in having the fewest Inconveniencies attending it, about which People may wrangle to Eternity without ever coming to any Agreement, is not the Question here; but the true Question is, Under which of these Forms of Government Christ when he founded his Church did put it.

As to Democracy, it neither was nor could be the Form of Government under which Christ put his Church, and that for this Reason, because that Form of Government, if it can any ways subsist, must have its Subjects near together; whereas Christ designed that his Church should spread it self over the whole Earth, as it did over a great part of it within a few Years after it was first founded.

As to Monarchy, it is true it might, if Christ had so thought fit, have been the Form of the Government of his Church; but it is as certain that he did not ordain it to be its Government, as it is, that the Apostles did not immediately after his Ascension, change the Government that he had instituted; which if it is a thing not to be imagined, Christ must then have put his Church under an Aristocracy, it being very plain from the Scripture, that that was the Form of Government the Church was under in the Apostles Days.

So the first time the Church after it was founded, acted as a Body that we read of, was, when the Apostles and Elders assembled together to quench a Dissension arisen among Christians concerning Circumcision, and some other Mosaical Obser-

Observances, *Acts* the 15th, in which Assembly it is plain, that the Church acted as an Aristocracy: And tho it is most probable that St. James, and not St. Peter, was the President of this Council, yet whoever was, it is certain he did not preside therein as a Monarch, but as a Fellow-Judg with the rest of his Brethren.

According to which Apostolical Pattern, the Pastors and Governours of the Church who succeeded the Apostles, as often as there was occasion, used to meet together in Councils to treat about the Affairs of their respective Churches, making such Laws and Canons, and inflicting such Censures as the Necessities of the Church required: All which was done without the least Syllable of the Church having a Monarch set over it on Earth by Christ.

Thus the Church was governed in all places for near 300 Years by Provincial Councils of Bishops: Not that Presbyters, nay nor Lay-Christians were wholly excluded from those Assemblies; the Lay-Members of the Church, when she is under an Infidel Civil Government, being in the place of the Civil Magistrate to her: nevertheless it is certain that the Bishops, as of a superior Degree to Presbyters, had always the chief Authority in all such Assemblies, and had probably a Negative upon the rest.

In the 4th Century, the Church being blessed with Christian Emperors, began to meet by her Bishops in Oecumenical or General Councils, which was an Advantage she had not before enjoy'd, it not being a thing to be expected, that Princes of a contrary Religion should suffer such Assemblies to meet under their Noses.

All which General Councils acted, and were justly esteemed by all Christians to be the Supream

Legis-

Legislative Authority of the Church: and they looking upon themselves as such, condemned Heresies, and made Canons about Discipline; and in a word, did every thing that belonged to the Ecclesiastical Legislative Power; and that without ever taking the least notice of an Authority on Earth that was superior to theirs, or of the Consent of any particular Prelats, as necessary to the validating of their Determinations. On the contrary, those Reverend Assemblies were all called by the Emperors, who in their Convocation of them, appointed the Place where, and the Time when they were to meet, sending some of the gravest of their Senators to assist at them, and protect them; and dissolving them when they had finished what they were called to do. All which was done without any Protestations having ever been made against it by any Bishop, as an Incroachment upon his Ecclesiastical Prerogative. Nay, those Councils were so far from dreaming of the Bishop of *Rome's* having that Monarchical Authority in the Church which he now pretends to have, that that Prelat, tho he had often and earnestly desired it, could never get one of those Assemblies to meet in the West where his See was. And as to the Canons and Determinations of those Bodies, they were so far from thinking that Bishop's Consent to them to be necessary, that they made some not only without it, but contrary to it: Witness the 30th Canon of the Council of *Calcedon*; in which any one that will look into it, may plainly see what the Fathers in the 5th Century universally, reckoned to be the Foundation of any Primacy, or rather Precedency, that the Bishop of *Rome* had; and in case that Prelat happened to be convicted by them of Heresy, they condemned him with the same freedom as they would have done any other Prelat, as they did *Honorius*. All

All which, if true, as it is a clear Demonstration that those Councils look'd upon themselves as the Supream Legislative Authority of the Church, so the Truth of the whole thereof is so manifest from the publick Acts of those Assemblies, that there cannot be a greater Instance of an invincible Hardiness against the brightest Evidence than that the Roman Champions give, in affirming the Pope to have always had the same Authority he now pretends to, and that he exercised in the Convention of *Trent* over General Councils: His present Pretensions being,

1. That the Power of Calling, Suspending, Translating and Dissolving General Councils is solely in him.

2. That he is the sole Judg when the Calling of such Assemblies is necessary.

3. That he can give a Right to vote in them to Ecclesiasticks who are not Bishops, and to as many as he pleaseth, which he has actually done to great Numbers of Abbots, and to the Generals of the Religious Orders, and to such Cardinals who are but Deacons.

4. That none ought to sit and vote in a General Council, that have not on some occasion or other taken an Oath of Obedience to him.

5. That he is to preside in them, either in Person, or by his Legats, and that with such an absolute Authority, that nothing can be so much as proposed in them, by any but by him or his Legats.

Lastly, That nothing that is done in them is of any Validity until he has confirmed it.

Having named these Pretensions, it would be to affront the Reader, to offer to prove to him, that the Assemblies that submit themselves to them, can have no Authority, and that the Church in her Body Representative is made thereby, what *Ca-*

jetan faith she is, the Pope's Servant or Slave, and not his Mother.

And as it is a thing worth any ones enquiry, how this great Change in the Government of the Church was brought about, so to the best of my Observation, it was by these following Steps, that the Popes ascended to this Pinnacle of Ecclesiastical Tyranny.

1. As to the Power of Calling and Dissolving General Councils, the thing that brought that into his Hands, was the breaking of the Roman Empire into several independent Kingdoms and Commonwealths; by which means it coming not to be in the Power of any one Prince, as it was formerly, to call all the Bishops to a Council, the Pope seized upon it; and having once got it, he took care to keep it as one of the chief Jewels of his Crown; for the sake of which, and divers other Advantages which accrued to the Papacy, by the breaking of the Roman Empire into so many independent Principalities, the Popes will always take care to keep those Principalities from ever consolidating again into one great Monarchy: a Universal Monarchy being a thing the Popes will never trust either their *Catholick* or *Most Christian Son* withal, how zealous soever they may otherwise appear to be for their Religion.

A second Step towards this Ecclesiastical Tyranny, was the Pope's stretching that Honorary Primacy of Order, that was given him in General Councils purely on the Consideration of *Rome's* being the chief City in the Empire, to a Primacy of Jurisdiction over those Assemblies; which was the easier done through that prodigious Ignorance of antient Ecclesiastical History which reigned for some Ages in the West.

The third was, those gross Impostures of the *Decretal Epistles* which were forged in the ninth Century,

Century, on purpose to advance the Papal Authority, they being universally believed to have been written by the antient Bishops of *Rome*, on whom they were fathered.

The fourth was, the Western Church after its having broke off Communion with all other Churches, coming to look upon it self as the whole Catholick Church; by which means any Power that had been given to the Bishop of *Rome*, as Patriarch of the West, was reckoned to extend to the whole Catholick Church.

But the last and great Step to these and all other Papal Usurpations was, the great Lands and Revenues which were bestowed on the Roman See, upon the Fall of the *Lombards*, by *Charles* the Great, and other Princes; which great Riches, with the assistance of pious Frauds, chiefly of that Madness the Popes and their Monks inspired Princes with, who stood in the way of their Ambition, of going as far as the Holy Land to destroy themselves; these, I say, enabled that Prelat to lay both Church and Empire at his Feet, the Ecclesiasticks, if they had been willing, not being able to cope with a Power which at one time or other had trampled on most of the great Crowns of *Europe*: all which was to come to pass, that the Scriptures might be fulfilled, which speaking of the Antichrist that was to come, say, that after *that which withheld*, that is, the Roman Empire, was taken out of the way, he was to *sit in the Temple of God, as God*; that is, he was to oppress the Church as a Monarch or Tyrant, and was so to bewitch the Kings of the Earth by his *Sorceries*, and the World by his *lying Signs and Wonders*, as to be in a Condition to destroy all that would not take his *Mark* upon them, by submitting their Souls and Bodies to his Tyranny.

But to return to the Popes Usurpations upon General Councils.

The first Council called by any Pope, that had the Title of General given it by the Roman Canonists themselves, was that of the *Lateran*, convocated in the Year 1123, by *Calixtus* the second, against the *Saracens*; of which Synod, tho neither the Letters Convocatory, nor the Acts are extant, that we know of, nevertheless there is no doubt to be made of its having been both called, and absolutely governed by the Pope: but it is not so clear how or when it came to be first stiled a General Council, for it does not appear that it ever look'd upon it self as such, unless it was that the late Canonists would right or wrong stile it so, to have as early a Precedent as might be for the Pope's having an Absolute Authority over such Assemblies. The same is applicable to the second and third *Lateran* Synods, none of which can be called General Councils, but by the same *Bull* that the Roman is called the Catholick Church.

The fourth *Lateran* Synod, convocated by *Innocent* the Third, in the Year 1215, against the *Waldenses*, was call'd, it's true, as a General Council; *Innocent* having in his Letters Convocatory commanded all the Bishops of the East and West to repair to it: but when it met, tho very numerous, there was no Assembly that it was less like than a General Council; for besides that it was in a manner made up of *Italians*, the Abbots and Priors that sat and had Votes in it, were above double the number of the Bishops, who being all jumbled together had not one grain of Authority among them. The first Council of *Lions*, called by *Innocent* the Fourth, in the Year 1245, against *Frederick* the Emperour, and the second of the same place, call'd by *Gregory* the Tenth, in the Year 1274, and

and the Council of *Vien* called by *Clement* the 5th, in the Year 1311, which are all reckoned by the Roman Canonists to have been General Councils, were all but motley Assemblies of Bishops, Priors, and Abbots, without any thing of Authority, being called for no other end but to give some Countenance to such things as the Popes had a mind to have done.

But the Latin Church, tho it was for some Ages under this Bondage, had not it seems so far lost all sense of Liberty, as not to strive, when it had an Opportunity put into its Hands, to recover it again. The Story of the Struggle betwixt the Popes and Councils, which lasted several Years, as it is a thing not improper to my purpose, so I hope it will not be ungrateful to the Reader, who therein on the Popes Side, will meet with such a train of Falshood and Dissimulations, as is not, that I know of, to be met with any where else in History.

Gregory the 11th, who had brought back the Papal Court from *Avignon*, where it had been 70 Years, to *Rome* again, dying in the Year 1378, the Nobles and People of *Rome*, knowing the Majority of the Cardinals at that time to be *French*, and fearing that if they should chuse a Pope of their own Nation, he might go back to *Avignon*, did by force of Arms oblige all the Cardinals, before they came to an Election, to take an Oath to chuse a Pope who was a *Roman*, or at least an *Italian*: Which the Cardinals having taken, they chose *Bartholomew* Arch-Bishop of *Bar*, who was by birth a *Neopolitan*, but had lived most of his time in *France*, and who took the Name of *Urban*.

The Cardinals, at least the major part of them, as soon as they were at liberty, leaving *Rome*, retired first to *Anagnia*, and afterwards to *Fundi*; from

from whence they writ to *Bartholomew*, conjuring him by all that was Sacred, since he could not but be sensible that his Election, being a forced Act, was null, not to pretend to be Pope. But *Bartholomew* was not to be perswaded out of the Papal Chair now he was in it, which way soever he got into it. The Cardinals proceeded to a new Election at *Fundi*, and chose *Robert* Brother to the Earl of *Savennes*, and Cardinal Presbyter of the 12 Apostles, Pope, who took the Name of *Clement*. Which two Popes, insisting on their several Rights, and not without great shew of Reason, both of them having had their Titles to the Papacy made good by innumerable and undeniable Miracles wrought by the Saints under their several Obediences, they thereby begun a Schism which lasted at least 40 Years; and which in the End gave the Western Church an opportunity to recover her Liberty in a great measure again, tho when she had it she was not able to keep it long.

For the Christian Princes, who were near equally divided betwixt the two Popes, growing weary of the Quarrels of so long a Schism, did all agree to have a Council assembled at *Pisa* to find out some way to put an end to it. That Council consisted of a great number of Cardinals and Bishops; and there were present in it the Embassadors of the King of the *Romans*, and of *England*, *France*, *Poland*, *Jerusalem*, *Sicily*, *Cyprus*, and divers other Princes. They being assembled in the Year 1409, after having summoned both the Popes, who were at that time *Angelus Corarius* called *Gregory* the 12th, and *Peter de Luna* called *Benedict* the 14th, deposed them both upon their not appearing neither in Person, nor by their Procurators, as incorrigible Schismatics, Hereticks, and as guilty of *Collusion* and *Perjury*, each of them having sworn to resign

resign the Papacy when the other should do it. They having thus declared the Roman See vacant, obliged every Cardinal, before they would give way to their filling of it again, to give it under his Hand, that in case he should be chosen Pope, he should not dissolve the Council, until the Church was reformed both in its *Head* and *Members*; making a Decree likewise, that in case any Cardinal that was then absent should be chosen by them, his Election should not be published until he had given the Synod the same Security. After which the Cardinals, who were 24 in number, proceeded to an Election, and chose *Peter Philargi* a Greek, the Cardinal of the 12 Apostles, and who had studied Philosophy at *Oxford*, who took the Name of *Alexander* the 5th. After whose Coronation the Council passed a Decree, that another General Synod should meet in the Year 1412, in some City to be named a Year before, and that in the mean time Provincial Councils should be assembled in all Countries.

Alexander the 5th dying in ten Months after he was chosen, was succeeded by Cardinal *Tassa* an Italian, who took the Name of *John* the 23d, and who, when two Years were expired, did, in obedience to the Council of *Pisa*, call a Synod at *Rome*; which, upon a pretence that there was not a sufficient Number of Prelats for the celebrating of a General Council, he dissolved presently after it met.

But the Council of *Pisa* having, instead of extinguishing, increased the *Schism*, by adding a third Pope to the two that were before, the Christian Princes, after having obliged every one of the Three to take an Oath to resign their Claim to the Papacy whenever the other two did it, forced *John* the 23d, who was owned as Pope by most of them,

them, to call a Council to meet at *Constance* in the Year 1415, and to promise to assist at it in Person: Which Council being met at the time appointed, and having presently discovered that *John*, notwithstanding all his Promises and Oaths to the contrary, was at that time caballing with Princes to maintain him in the Papacy; the first thing it did, was to require *John* immediately to bind himself by Bulls, to observe the following Orders. 1. That the present Synod should not be dissolved, until the Union was perfected. 2. That it should not be removed from *Constance*. 3. That he himself should not depart from thence till it was done. 4. That he should constitute a Procurator, with full Powers to resign the Papacy in his Name. And, lastly, That it should not be lawful for any Prelat to leave the Council, or not to repair to it, but in case of Poverty or Sicknes. To which Demands *John*, the next Day after they were made, returned the following Answers. 1. That the Council should not be dissolved until it had finished the Union. 2. That it was nevertheless his Opinion, that it would be convenient to have it translated to *Nice* in *Provence*, and for him to go thither to it in Person. And, lastly, That he was resolved to make his Cession in Person, which he reckoned would be more honourable both for himself and the Synod, than to do it by Proxy. But the Fathers not being satisfy'd with this shuffling Answer, and insisting upon having his Cession immediately under his Hand, he promised them faithfully that they should have it next Morning; but before that came, he stole out of *Constance* by Night in a Woman's Apparel, and was got to *Schafshousen*, a Town then belonging to the Duke of *Austria*, (now one of the Cantons) who had promised to protect him if he were once in his Territories.

tories. From which Place he immediately wrote to the Council, to assure them that the Reason of his having retired from *Constance*, was not to avoid the being obliged to make a Cession, but on the contrary, that he might do it with the more Liberty and Security, which he reckoned he might do at *Schafhausen* where he now was. But his Letters to the King of *Poland*, and all the other Princes under his Obedience, tho writ at the same time, were in a quite contrary Strain, in which he endeavoured to justify his having left the Council, because he and it were both robbed of their Liberty, his Life having been likewise in great danger by a Conspiracy which he had discovered; complaining likewise of the Bishop of *Salisbury*, who had said publicly, and in the Emperor's hearing, that the Emperor was superior both to him and the Council; none daring to reprove him for such scandalous Doctrine.

The Council, when it came to hear next Morning that *John* had given them the slip, was in great disorder, and continued under a great Consternation, till the Emperor came amongst them, and assured them that he would protect them against the Duke of *Austria*, and all the Enemies *John* was able to raise up against them: The Fathers were likewise much confirmed by a Sermon preached to them at that time by the Learned *John Gerson* Chancellor of the University of *Paris*, who demonstrated to them, that being a General Council, they were superior to the Pope, and might sit and act without him.

Pope *John*, who had too many Spies in the Council not to be acquainted with every Word that was said in it, reckoning he was too near the Emperor at *Schafhausen*, which is but four Leagues from *Constance*, removed from thence to the Castle of *Loufem-*

Loufemberg; which tho he did in great haste, yet before he begun his Journey, he declared, by a Publick Instrument, that he was under no Obligation to observe the Oaths and Promises he had taken and made at *Constance*, having been forced to take and make them, by a Fear that was sufficient to make any Act that it caused to be involuntary, pretending to justify his having left *Schafshousen*, by having discovered that he was there in danger of his Life, which he was willing to preserve; because should he be murdered before the two Pretenders to the Papacy had made their Cessions, they in all probability would never be perswaded to it.

When *John* left *Schafshousen*, the Cardinals who had been sent thither by the Council to perswade him to come back, returned to *Constance*; and six of them at the following Session, declared therein, that the Council now the Pope had left it, was dissolved. Which bold Declaration gave occasion to the Fathers to lay the Ax to the Root of the Tree, all of them, but particularly the Cardinal *Peter de Aliaco* and *John Gersoh*, maintaining thereupon, That the Pope being inferior to a General Council, which the present Synod was, he could not dissolve it without its own Consent; and accordingly in the next Session, at which, with the Emperor, there assisted nine Cardinals and two hundred Fathers, the Embassadors of the Kings of *England*, *France*, *Poland*, *Norway*, *Cyprus* and *Navar*, with several *German* Princes, being present, the following Constitutions being read, and unanimously agreed to, were published by the Cardinal of *Florence*; which Constitutions, being as the *Magna Charta* of General Councils, I shall here set down at length.

*In the Name of the Holy and Undivided Trinity,
Father, Son, and Holy Ghost. Amen.*

“ **T**HIS Holy Synod of *Constance*, being a General Council lawfully assembled in the Holy Spirit, to the Praise of Almighty God, for the Extirpation of a Schism, and the Union and Reformation of the Church of God, both in its Head and Members, doth, for the easier and safer obtaining of the said Union and Reformation of God’s Church, ordain, define, decree, and declare, as followeth.

“ In the first place it declareth, That it being lawfully congregated in the Holy Spirit, is a General Council, and represents the Catholick Church; and that having its Authority immediately from God, all Persons of whatsoever State or Dignity, the Papal not excepted, are bound to obey it in all things appertaining to the *Faith*, and the Extirpation of Schism, and the *Reformation* of the Church in its *Head* and *Members*.

“ It furthermore declareth, That whosoever, of what State, Condition or Dignity soever, the Papal not excepted, shall obstinately contemn, and deny to yield Obedience to the Commands, Statutes, Ordinances and Precepts of this Sacred Synod, in any of the foresaid Matters, or in any thing that has or shall be done relating to them, if he does not repent thereof, shall be subjected to condign Penances; and if it be found necessary, recourse shall be had against him to other legal Remedies.

“ The

“ The said Holy Synod doth furthermore de-
 “ clare and ordain, That Pope *John* the 23^d shall
 “ not remove or translate the Roman Court, or
 “ any of its Publick Offices, to any other Place from
 “ this City of *Constance* ; nor shall directly or indi-
 “ rectly compel the Officers of the said Courts to
 “ follow him to any other Place, without the Con-
 “ sent and Approbation of the said Holy Synod ;
 “ and in case he has already done it, or shall do it
 “ hereafter, or shall issue forth any Processes or
 “ Mandates against the said Officers, or any other
 “ Persons that adhere to this Synod, or shall ful-
 “ minate any Ecclesiastical Censures, or other Pe-
 “ nalties, against any such Persons, all such Cen-
 “ sures shall be void and of no effect ; neither shall
 “ any Obedience be yielded to such nulled Cen-
 “ sures, Processes and Penalties : So that the said
 “ Officers may notwithstanding them freely ex-
 “ ercise their Offices in the said City of *Constance*,
 “ during the sitting of the present Synod therein.

“ It furthermore ordains and defines, That all
 “ and every Translation of Prelats, as also all De-
 “ privations of them, or of any other beneficed
 “ Persons, Officers, Administrators of Commen-
 “ das ; as also all Revocations of Donations, and
 “ all Monitions, Ecclesiastical Censures, Processes,
 “ Sentences ; and whatsoever Acts are or shall be
 “ done by the said Pope *John*, or by any of his
 “ Officers and Commissaries, to the Prejudice of
 “ the said Synod, from the Day it first met, or of
 “ any that adhere to it, are *ipso facto* void and
 “ null, and are by the Authority of this Synod
 “ declared so to be.

“ It doth furthermore declare, That the said
 “ Pope *John*, and all the Prelats and Persons who
 “ were called to this General Council, as also all
 “ that assist thereat, have been, and at this time
 “ are

“ are in possession of an intire Liberty, for any
 “ thing the said Council knows to the contrary.
 “ To the Truth whereof this Sacred Synod calls
 “ God and Man to witness.

But the Council being sensible that these, and a thousand more such Constitutions, after they should come to have a single Pope again with an indisputable Title, would be too weak Cords to hold such a *Sampson*, if they had not a continual Check upon him, to prevent the Church's relapsing into its former Bondage, did wisely ordain that Councils should meet frequently, by the following Decree.

“ **T**HE frequent Meeting of General Coun-
 “ cils, being the chief Culture of the Lord's
 “ Field, for the extirpating of the Thorns and
 “ Briars of Heresy, Errors and Schisms, and for
 “ the reforming of Abuses and Excesses, to the
 “ rendring of the Lord's Vineyard fruitful, the
 “ long intermission of them disseminating and
 “ nourishing all the foresaid Evils; all which both
 “ the Memory of Times past, and the Considera-
 “ tion of the present State of Affairs, do plainly
 “ set before our Eyes: For which Cause, we do by
 “ this perpetual Edict establish, decree, and or-
 “ dain, That General Councils be frequently held,
 “ and that the first do meet at the end of five
 “ Years after the dissolution of this, and the se-
 “ cond at the end of seven Years after that: Af-
 “ ter which a General Council shall be perpetually
 “ held, from ten Years to ten Years, in such Pla-
 “ ces as the Pope shall, a Month before the Disso-
 “ lution of every Council, but with the Consent
 “ and Approbation of the said Council, appoint;
 “ and in case the Pope should deny to do it, the
 b “ Coun-

“ Council is then bound to appoint it, that so
 “ by a certain Continuation, a Council may be
 “ always either sitting, or in view within a
 “ certain Term of Years; which Term it shall
 “ be lawful for the Pope to shorten, if there
 “ should be occasion for it, with the Advice of
 “ his Brethren the Cardinals, but on no Account to
 “ prolong it: Neither shall it be lawful for him,
 “ except in a case of visible Necessity, as of a
 “ Siege, War, Pestilence, and the like, to change
 “ the Place that has been appointed; and when
 “ he does it in such a case, it shall be with the Con-
 “ sent of his Brethren the Cardinals, or of two
 “ thirds of them; and he shall then assign some
 “ other Place, as near as may be with conveni-
 “ ence to the Place that was first appointed, and
 “ in the same Nation, in case the same Impedi-
 “ ments do not extend to all the Parts thereof;
 “ which if they should happen to do, it shall then
 “ be called in the next Country to it; to which
 “ Place all Prelats and others, who do use to be
 “ called to Councils, are bound to repair, as if
 “ it had been the Place at first appointed: Which
 “ change of Place, and abbreviation of Time, the
 “ Pope is bound legally and solemnly to publish,
 “ and intimate a Year before the expiration of
 “ the Time that was first fixt, that so the Prelats
 “ may all at the Time appointed repair to the Ce-
 “ lebration of a Council.

A certain Prelat, whose Name I have not been
 able to recover, foreseeing, it is like, that this
 wholesome Constitution would in a short time come
 to nothing, by the Power that was given to the Pope
 to change the Place that had been fixt when there
 was a Necessity of it, of which Necessity he was the
 Judg, propos'd some Heads to the Synod, which
 had

had they been agreed to, and executed, would effectually have secured the Church from a Relapse.

The first was, That neither the Pope nor his Cardinals should be allowed to sit in a Council whose chief Business was to reform them, it not being fit that any Man should be Judg in his own Cause.

The second was, That the Cardinals who had chosen *John*, knowing him to be a most flagitious Person, ought to be severely punished for it, and not be permitted to sit in the Council.

The third was, That the Cardinals who had of their own accord followed *John*, when he stole out of *Constance*, ought to be expelled the Council, as they ought also to be who had affirmed the Synod to be dissolved upon *John's* having run away from it.

Lastly, That till the Power of the Pope and his Ministers was suspended and retrenched, it was a vain thing to think of reforming the Church, either in its *Head* or *Members*. I will not say that these Proposals were *John Gerson's*, tho they do agree in the main with what we meet with in his Treatises writ on this Occasion; but I think one may venture to say, they were things not unworthy either of his great Piety or Learning.

Pope *John*, who was for leaving no Stone unturned, to keep in that beloved Chair which he had so often sworn to resign, understanding that his present Protector, the Duke of *Austria*, was about submitting himself to the Emperor, one of the Articles whereof he knew would be, That he should deliver him into the Hands of the Council, endeavoured by large Promises to engage the Duke of *Burgundy* in his Quarrel; with whom, that he might treat with the more privacy and security, he stole away, with two Servants only, to *Friburgh*; and from thence he removed to *Brisac*, at which Place the Nuncios who were sent after him by the

Council, with Powers to require him to sign a Procuration, in a Form prescribed by the Synod, to resign the Papacy, overtook him ; who having demanded that of him, he promised that they should have his Answer next Morning : But before that came he was gone, having stoln out of *Brisac* in the Night ; and the next news the Nuncios heard of him was, that he had been at *Newburgh*, but had been frightened out of that City by a false Report he had met with there, of the Emperor's advancing that way with an Army, and that he was returned to *Friburgh* again ; at which City the Nuncios having gone after him, prevailed with him to sign the foresaid Procuration, but it was clogg'd by him with such Conditions, as he knew very well the Council would never agree to : Neither was he mistaken, the Council, when that Instrument was presented to them by the Nuncios, rejecting it with Indignation as an Affront to their Wisdom ; and being grown weary of treating any longer with such a false shuffling Man, gave order to have him proceeded against judicially, knowing very well there would be Crimes proved upon him, for which, were there no such thing as Schism, he would deserve to be deposed ; Simony, Perjury, and a most flagitious course of Life having been proved against him, by Witnesses against whose Testimonies there could be no Exception. He was accused likewise of having poisoned his Predecessor, and of having many times in Discourse discovered, that he did not believe the Immortality of the Soul. After which the Council, tho fully satisfied of his Guilt, yet that it might not be said of them that they had condemned a Man for enormous Crimes, without having first heard what he had to say in his own Defence, ordered his Process to be carried to him by five Prelats, to see what he had to object
against

against it; who having waited upon him with it at *Zell*, found him very humble and tractable: he told them he was so sorry for his having stole away from the Council as he did, that if it had been God's Will, he wish'd that his Death had prevented his having done it; and that as he had nothing to object to the Articles proved against him in his Process, so he was prepared to submit to the Sentence of the Synod thereon with a most profound Humility, desiring nothing so much as that they would pronounce it speedily upon him: in which the Synod willingly gratified him, having so soon as it had his Answer, passed a Definitive Sentence, declaring him to be no longer Pope, and prohibiting all Christians any longer to own him as such, or to give him the Title thereof, reserving to themselves a Power of inflicting such other Punishments upon him as the Crimes he had been proved guilty of deserved; making a Decree at the same time, That in case the Roman See should any ways come to be vacant, that the Cardinals should not proceed to the Election of a Pope, without the Consent of the Council; and that neither *Baltasar de Cossa*, lately *John* the 23^d, nor *Angelus de Corario*, called *Gregory* the 12th, nor *Peter de Luna*, called *Benedict* the 14th, should ever be chose Pope, or if they were, their Election should be void. Which Sentence and Decree being carried to *Baltasar de Cossa* at *Zell*, he gave his Consent to them by a publick Instrument, taking an Oath never to do any thing to the Contravention thereof.

The Council having thus laid *John*, who was the Pope they owned, aside; its next business was to oblige the other two Pretenders to quit their Claims. As to *Gregory* the 12th, who was owned only by a small part of *Italy*, after a great many

Doublings he was prevailed with to appoint a Procurator to resign the Papacy in his Name; but not to the Council, which having been called by *John*, he would not acknowledg, but to the King of the *Romans*: to which he was in good hopes the Council would never have agreed; but he was disappointed, his Resignation by his Procurator *Charles Malatesti* being accepted; at which *Gregory* is said to have been so angry, as, notwithstanding he had a large and honourable Maintenance, allowed him, to have died quickly after of pure Vexation within himself, for having put such a Power out of his own Hands into the Hand of a Procurator.

But for *Benedict* the 13th, notwithstanding that *Sigismund* went into *Spain* on purpose to perswade him to resign, and was seconded therein by the King of *Arragon*, in whose Country he kept his Court, he would not promise to quit his Claim, but upon such Conditions as he was certain would never be granted him; and upon the King of *Arragon*'s withdrawing his Obedience from him, he retired to a *Peninsula* in the Kingdom of *Valentia*, called antiently the *Chersonesus*, but at this time *Rocha da Truna*, where he lived several Years after he was declared by the Council not to be Pope, without ever resigning his Title to it but with his last Breath.

The Council being informed by *Sigismund* when he returned from *Spain*, that *Benedict* was not to be perswaded to resign, did thereupon name a select Number of Prelats to judg his Cause; and having summoned him to appear before them, either in Person, or by his Proxy, in a hundred days, they sent two Monks of *Cluny* to acquaint him with his being summoned, and to try whether now that he was thrown off almost by every body,

dy, they could perswade him for the Peace of the Church to resign: when *Benedict* first saw the Monks coming towards him, he said aloud to his Courtiers, *Come, let us hear what these two Synodal Ravens have to say to us*; to which one of the Monks return'd this lively Repartee, That it was no wonder if Ravens did come to a Carcase that was thrown out.

The Monks being returned to *Constance* without having been able to do any thing, and the hundred days being expired, the Synod declared the Roman See to be vacant; and having given Order to have it filled again, they joined a Majority of other Bishops and Prelats to the Cardinals in the Election, making a Decree at the same time, that the new Pope should not dissolve the Council until the Church was *reformed* both in its *Head* and *Members*: in pursuance whereof the Cardinals and other Prelats having on the 8th of *November* 1417. entred the Conclave, on the third day after they were shut up they chose *Odo de Columna* Cardinal Deacon of *St. George*, to the great Satisfaction of *Sigismund* and the whole Council, who looking upon him as a devout simple Man, did not doubt now that he was Pope, of his complying with what he had promoted so much when he was Cardinal. But the Synod quickly found it self mistaken; for notwithstanding *Martin*, which was the Name he took, comply'd so far with it, as to appoint *Pavia* to be the City the Council at the end of five Years was to meet at; nevertheless when he was spoke to by several of the Prelats, that they might go on with the Reformation of the Church in its *Head* and *Members*, he told them very gravely; that that was not a time for so good a Work; of which Answer when the French Prelats complained to their King, desiring him to oblige *Martin*

tin to keep his Promise to them, in joining with the Synod to reform the Church; the King sent them word, that if they had designed to have had the Church reformed, they ought to have done it before they chose a Pope, since they might very well have known that when that was once done, it would be neither in his Power nor theirs to do it, as it was in the time of the Vacancy. The Synod's new Pope is said furthermore to have given it a broad Intimation before he dissolved it, how he stood affected to their Decrees, telling them on a certain occasion, and that of his own giving too, that he intended to observe every thing that had been *conciliarly* decreed by them, leaving it to them to judge whether what they had decreed concerning a General Council's being superiour to the Pope was reckoned by him among their *Conciliary Acts*.

We are not told how the Council resented this early Distinction from their own Creature, if it was ever made by him, there being no mention of it in the Acts of the Council; but however that were, it is certain, that from the hour of his Election he intended nothing less than to go on with Councils on the Bottom whereon they had placed them: Nevertheless while *Peter de Luna* lived, which he did several Years after the Council of *Constance* was dissolved, he was obliged in Interest not to run down the Authority of an Assembly, on whose Authority his own absolutely depended: So at the end of four Years after the Dissolution of the Synod of *Constance*, *Peter de Luna* being still alive, he comply'd with the Decree of assembling a General Council at *Pavia*, giving Intimation thereof to all Christian Prelats, but in such a manner, that they had no reason to think he would be angry with them if they did not

not repair to it. Which Council after he had opened it by four obscure Legats, he translated presently to *Siena*, upon a pretence that the Plague was in *Pavia*, that being one of the Reasons for which the Decree of *Constance* had allowed him to change the appointed place of a Synod: But the Legats not having been long at *Siena* before they found themselves in a full Assembly of Bishops, and hearing of more that were coming to them, *Martin* to chastise their Forwardness, and to prejudice the World against Councils, as if the Plague had followed them wheresoever they went, dissolved the Council of a sudden upon the same pretence on which he had translated it thither from *Pavia*; which Pretence the History of the City of *Siena* tells us was a meer Falshood, nothing like the Plague having been at *Siena* at that time. But *Peter de Luna* being not only alive, but having engaged the King of *Arragon*, upon a Quarrel that was between him and *Martin*, to send Embassadors to *Siena* to maintain his Title to the Papacy, *Martin* was thereby obliged to go on, shewing some Respect to the Council of *Constance*, and so did in Obedience to its Decree, at the same time he dissolved the Synod of *Siena*, call a Council to meet at the end of seven Years at *Basil*; by which time, considering *Peter's* great Age, he did not much doubt but that he would be in his Grave; which Council, tho *Martin* lived to convocate, and to send a Legat to it, he died just before the time it was to have met.

Eugenius the Fourth, who succeeded *Martin*, finding a Council called to sit at *Basil* by his Predecessor, renewed the Convocation thereof; and to encourage the Prelats to come to it, he named only the Year, but not the Day nor the Month whereon it was to meet, constituting Cardinal

dinal *Julianus*, who was at that time at the Head of an Army in *Bobemia*, his Legat to preside therein. Which juggling of the Pope's having been observed by one *Alexander* a Monk, whose Name was high in the Church both for his Learning and Piety, he in order to defeat *Eugenius*, who having given the World some Satisfaction in calling the Council, was for letting the Year appointed for its sitting both by the Synod of *Constance* and his Predecessor, slip over quietly, repaired to *Basil*; and having called together all the Ecclesiasticks that were within and about the City, he declared to them, that the time being now come for the celebrating of a General Council, in Conformity to the Decrees of the Synods of *Constance* and *Siena*, in their City, to which Synod all that have a right to vote in such Assemblies were bound to resort, he reckoned he was obliged in Conscience to come and make a publick Declaration thereof upon the Place, that so it might be none of his fault if it were not assembled as it ought to be, both to maintain the Liberty of the Church, and to reform it in its Head and Members. But *Eugenius* having taken no notice of what was done by a private Monk in a fit of Zeal, the University of *Paris*, which, to give that Great and Learned Body its due, was in those days the only standing Authority that on all occasions asserted the Liberty of the Church, that the Pope might not dissolve the Council upon a pretence of no Ecclesiasticks having repaired to it when it was called by him, dispatched some of its learned Members to *Basil* to promote its assembling, writing at the same time to *Sigismund* King of the Romans, and most of the other Princes of *Germany*, to send their Embassadors and Prelats thither.

Eugenius

Eugenius being alarm'd by so great a Body's interposing its Authority in the Business, writ to his Legat *Julianus*, so soon as he had finish'd his work in *Bobemia*, to repair to *Basil* in Person, and in the mean time to delegate some Ecclesiasticks to go thither, and open a Council to those that were so clamorous to have one; and accordingly *Julianus* named *John Palmar*, an Auditor of the Sacred Palace, and *John de Ragusio* the Procurator General of the Dominicans, to go and begin the Council at *Basil*, which they did in the Chapter-house of the Cathedral on the 29th of *July*, but without entring upon any Business of moment.

Julianus, who expected the poor *Hussites* would not have been a Breakfast to his great and zealous *Croisado*, after having destroy'd a few open Towns belonging to them, was deserted by his whole Army, who, as if a pannick Fear had seized them, dispersed all of a sudden, without having ever seen the face of the People they had been raised by Indulgences to extirpate, leaving their whole Baggage, which was very rich, behind them to the *Hussites*, who drove *Julianus* to *Basil* to try whether he was able to manage a Council against them with better Success than he had done an Army: But *Julianus* had not been many days in that City, to which great numbers of Ecclesiasticks and others had flock'd, before he received Orders from *Eugenius* to dissolve the Council, and to intimate to the Prelats that he designed to call a Synod in a short time at *Bononia*, at which he intended to assist in Person, alledging the following Reasons for dissolving of that of *Basil*. 1. That there was not a sufficient Number of Prelats at *Basil* to celebrate a General Council. 2. That that City was infested with the Heresy of the *Hussites*. 3. That the Princes in its Neighbourhood

hood were in War one with another. And lastly, that the Greeks, who at present seemed well disposed to submit themselves to him, were rather for having the Council at *Bononia* than at *Basil*.

Julianus, when he first received these Orders, notwithstanding he knew the Pope's Reasons for dissolving the Council to be all false, seemed inclinable to have obeyed them, having forborn for some days after to act as *President*: But having observed that the Princes and Prelats that were at *Basil* were all resolved, notwithstanding the Pope should pretend to dissolve it, to go on with the Council, and that the Cardinals who were fled thither from *Rome*, would all join with them therein, he did not only resume his Presidentship again, but was so far from executing the Pope's Orders, that he seem'd to go intirely into the Interests of the Council against him; and having accordingly summoned all the Embassadors, Cardinals and Prelats that were at *Basil*, to assemble on the 7th of *December* in *St. Leonard's Church*, it was there agreed that the first Session of the Synod should be celebrated in the Cathedral Church on the 14th day of the Month current; of which having ordered an Instrument to be drawn up, they commanded it to be affixed to the Gates of all the Churches in the City.

The day of the Session being come, and all the Cardinals, Embassadors and Prelats being assembled in the Cathedral, *Julianus* after Mass made a long and learned Speech to them; which being ended, the Bishop of *Coutances* ascended the Pulpit, and with an audible Voice read the Decree of the Council of *Constance* concerning the frequent Celebration of Councils, as also the Instrument of the Nomination of the City of *Basil*, together with Pope *Martin*, and Pope *Eugenius's* Letters

ters of Convocation; after that they made several Orders about freedom of Speech, and against such as should hinder any Persons from coming to *Basil*, ordering likewise that the Prelats who assisted at the Council should enjoy the full Profits of their Benefices, and naming the Notaries and other Officers of the Synod.

Eugenius, who could not brook to have his Authority thus affronted, thunders out from *Rome* a Bull of Dissolution of the Council, in which, besides his former fantastical Reasons, he added that of the Synod's having invited the *Hussites*, who were declared *Hereticks*, to come and treat with them: He also called a Synod at the same time to meet at the end of 18 Months at *Bononia*; and another ten Years after that was dissolved, at *Avignon*, being content it seems to supererogate in giving the Church two Councils at the distance of some time, and which were to be celebrated in Cities under his temporal Jurisdiction, for one that was in being and out of his Territories, upon the Bottom of the Council of *Constance*, whose Establishment he reckoned would be broke by his having called new Councils to meet, as he had now done. But *Eugenius*, after he had given this bold Stroke, fearing lest *Sigismund*, whom he knew to be a great Friend to Councils, and who had his Embassadors at *Basil*, might be displeased with him for what he had done, writ Letters to him of the same Date with the Bull of Dissolution, to satisfy him of the Necessity there was of calling a Council at *Bononia* for the *Greeks*, who seemed to be disposed to submit themselves to the *Roman Chair*. To which *Banter*, for it was no better, *Sigismund* returned a severe Answer, bearing date the 9th of *January*, telling *Eugenius* in plain Terms, That the Reasons he had given for his having dissolved the Council

Council of *Basil*, were all fantastical, it being a Jest to put off the doing of so necessary a Work as the Reformation of the Church, upon a Surmise of the *Greeks*, who had for some hundreds of Years been Schismatics, appearing to be inclinable to unite themselves to the Roman See; desiring him also to consider what would in all probability be the Consequence of what he had done, the Fathers at *Basil* being resolved, notwithstanding his Dissolution, to sit and act as a Council, and in so doing would be protected by all or most of the Princes of *Europe*; concluding his Letter with this vehement Exhortation, "We do most earnestly
" beseech and require your Holiness, in our Lord
" Jesus Christ, whose Business this is, that consider-
" ing how what you have done, may tend to the
" Subversion of the Christian Religion, you would
" immediately remedy it, by writing to the Pre-
" sident and Council, that they may proceed in
" the Name of the Holy Ghost, in which they
" were called, to finish the Work they have in
" hand. Neither was *Sigismund* mistaken in treating what *Eugenius* alledged concerning an Union with the *Greeks*, as a thing given out only for a Colour; *Eugenius* having, after he had made this use of it, slighted the Business of that Union, when the *Greek* Emperor's Embassadors came from *Constantinople* on purpose to treat with him about it; which he did to that degree, after it had been so far advanced by his Predecessor, as to put an end to it. It is true, that Treaty was afterwards revived by him, and that with great Zeal; but when we come to that, we shall see what was the Reason of it. *Eugenius* was writ to likewise by the Kings of *England*, *France*, &c. who upon the Synod's Nuncios coming to their Courts, had all declared themselves in its Favour, to revoke his pre-

pretended Dissolution of it, that so he might prevent a Schism. And the *French* Clergy having been called by their King at *Bourgis* for their Opinion in this Matter, did unanimously declare themselves on the side of the Council, desiring his Majesty to espouse its Quarrel, as the common Concern of the Universal Church.

The President *Julianus* writ likewise passionately to his Master, to revoke his Bull that was so universally odious; telling him in plain Terms, that if he did not do it, and that speedily too, he would raise such a Schism in the Church as had never been seen in it before; concluding his Letter to him thus, "I have called upon Men on this Occasion, till I am hoarse; I will therefore now call upon Christ, and beg him to look with an Eye of Pity on his forsaken Church, which he purchased with his own Blood.

The Synod likewise, which was not willing, if it could have helpt it, to have broke with *Eugenius*, dispatched Nuncios to him, to intreat him to revoke the said Bull, and to come to them in Person, or by his Legats, to assist at the Reformation of the Church. To all which Remonstrances *Eugenius* turned a deaf Ear, seeming resolved to venture all, rather than suffer Councils to go on on the Foot of that of *Constance*; which, tho he never mentioned it, was the true Ground of his Quarrel with the *Basileans*; and they being sensible that it was so, now that they had so many Friends abroad, did set about establishing their own Authority, by passing the following Decrees.

" 1. That the Sacred Synod of *Basil*, in having
 " been assembled according to the Decrees of the
 " Councils of *Constance* and *Siena*, and with the
 " Concurrence of the Pope, was a lawful General
 " Council,
 " 2. That

“ 2. That being a lawful General Council, all
 “ Christians of whatsoever State or Dignity, the
 “ Papal not excepted, were bound to yield Obe-
 “ dience to it in all Matters of *Faith*, the Extir-
 “ pation of Schism, and the general *Reformation*
 “ of the Church in its *Head* and *Members*.

“ 3. That whosoever, of whatsoever State or
 “ Dignity, the Papal not excepted, should deny
 “ to yield Obedience to the Statutes of any Ge-
 “ neral Council, relating to any of the foremen-
 “ tioned Matters, deserve to be punished.

“ 4. That it should not be lawful for any Mem-
 “ ber of the Council to absent himself from it, or
 “ to depart from the City of *Basil* without leave
 “ of the Council.

“ From which Decrees they inferred, That the
 “ Papal, nor no other Authority on Earth had
 “ Power to prorogue, translate or dissolve the
 “ General Council of *Basil* without its own Con-
 “ sent, or to hinder any Prelats from repairing
 “ to it, or to oblige any that assisted at it to
 “ withdraw.

In virtue whereof they admonished *Eugenius*,
 within the space of three Months, by a publick
 Bull, to revoke his pretended Dissolution of them,
 and to come in Person to the Council; or, being
 lawfully hindred, by his Legats; in default whereof
 they threatned to proceed against him, as the Ho-
 ly Ghost should direct them for the Good of the
 Church.

Cardinal *Julianus* perceiving what a Storm *Eugenius*
 was like to raise against himself and the
 Papacy, notwithstanding his *Hoarsness*, called upon
 him once more, telling him in a very loud Note,
 That if he went on opposing the Council, he
 would bring the Indignation of all *Europe* upon
 his

his Back, it being plain to every body, that the Assembly of *Basil* was a General Council, by the same Authority that he was Pope, that is, by the Authority of the Synod of *Constance*; concluding his Letter to him thus; "I have often declared
" and protested, and I do it now again, in the sight
" of God and Men, That if your Holiness do not
" change your Measures, you will infallibly be
" the Cause of a most pernicious Schism.

Eugenius being taken dangerously sick at this time, the *Basileans* when they heard of it, passed a Decree presently, That in case of a Vacancy of the Roman See, it should not be lawful for the Cardinals to chuse a Pope any where, but in the Place where the Council was sitting: and fearing lest *Eugenius* might, if he died, before his Death have named some Cardinals, they decreed likewise, That since the multiplying of Cardinals was both prejudicial and chargeable to the Church, it should not be lawful for the Pope to create any during the Session of the Council; ordering at the same time a Leaden Seal to be made for the Use of the Synod, which on the one side was to have the Holy Ghost in the figure of a Dove, and on the other, *The Sacred General Council of Basil*: and having constituted the Cardinal *St. Eustathia* Governour and Vicar of the City of *Avignon*, and named Judges and Prosecutors in Matters of Faith, and all the other Officers of a Court of Judicature, they passed a Decree, That no Person belonging to the Council, could be called from it to the Court of *Rome*, or to any other Place.

Eugenius beginning to fear lest the Council, which grew every Day stronger and stouter, might, if he did not do something to mollify them, serve him as that of *Constance* had done *John* the

23^d, did, much against the grain of his own Nature, and the haughty Spirit of his See, submit so far as to send three Nuncios to them; who having in a publick Audience made long Harangues of the Mischiefs of a Schism, and of the great Power Christ had committed to the Pope, were answered by the Fathers, and dismissed with this Message to their Master, that the Sacred Synod could not treat with him, until by a publick Bull he had revoked his pretended Dissolution of it, and did either come in Person, or send his Legats to preside in it. And the Prosecutors of the Causes of the Synod, after that the Term in the Citation was expired, having demanded that *Eugenius* should be pronounced Contumacious in order to their proceeding farther against him, the said Nuncios humbly beseeched the Synod to suspend the passing of that Sentence upon their Master; which at the Request of *Sigismund* was granted; and sixty Days more were allowed to him to comply with what was required. During which Term *Eugenius* sent other Nuncios with some Propositions of Accommodation, the revoking his late Bull publicly, which the Synod insisted on, being a thing of so hard digestion, that he did not know how to swallow it. The Propositions offered by the new Nuncios to the Synod were, That *Eugenius*, if they would revoke all the Decrees they had made against him, was ready to revoke all in general he had said or done against them; and that if they would consent to his having called a Council at *Bononia*, if the Bohemians should refuse to come to that City, he was content to allow the Fathers some time to treat with them at *Basil*, on condition that when the Term he had set them was expired, they should immediately repair to *Bononia*: Against which City if the Fathers

thers had any just Exception, they might name any other City in *Italy*; and if they would not agree to that neither, that they should then name twelve of the most moderate Prelats of their own Body, in conjunction with the Embassadors, to be Judges of the whole Matter; who, if they should judg it to be most convenient that the Council should sit in *Germany*, should name any City therein for it except *Basil*.

The Fathers being extreamly offended with these shuffling Propositions, told the Nuncios, That they could not sufficiently admire at their Proposals, being so involved and clogged with Reservations, as if the Matters they came to treat with them, were not of a religious Nature, and to be handled with Integrity, but were Matters of Trade or Commerce, and fit only to be treated about by Hucksters: A most true Character of all that the Popes did to destroy the Supremacy of Councils: Adding, That since *Eugenius* had not by any thing that they had proposed, intimated his being ready to revoke his Bull of Dissolution, but on the contrary seemed rather to seek to have it confirmed, they could not therefore take any notice of their Propositions, but must go on with their Proceedings against him, as a Contemner of the Authority of General Councils: For the farther Security whereof they passed a Decree, That no Person should hereafter be capable of being chosen Pope, who had not given his Consent and Assent upon Oath to the Doctrine of the Synod of *Constance* concerning the Supremacy of General Councils, and their being frequently to be assembled. The last Term of sixty Days being expired, the Prosecutors moved again to have *Eugenius* pronounced Contumacious; which the Fathers were hindred from doing by Letters they received

from *Sigismund*, assuring them of the Pope's having by a Bull revoked his pretended Dissolution of them, and of his having likewise named Legats to go to *Basil*; but who being hindred by some just Impediments, had appointed Delegats to supply their place for some time; which Bull of Revocation, as it pretended to be, bore date the 12th of Febr. 1433, and not 32, as it is in *Bzovius*: Wherein *Eugenius* after having pretended, that the Causes why he had formerly dissolved that Council were all ceased, he commanded all Patriarchs, Arch-Bishops, Bishops, &c. within three Months after the Date of the said Bull, to repair to *Basil*, there to celebrate a General Council, promising to send his Legats to preside therein in his Name. Which Bull, notwithstanding it was dispatched some Weeks before the last Nuncios went to *Basil*, was never mentioned by them, whose Business was to try if the Fathers would have been satisfied with less, who for that Reason knew nothing of the said Bull, till they were afterwards acquainted therewith by *Sigismund*, and the Envoys of some German Princes; who, such as it was, had extorted it from *Eugenius*: With which Bull when it was brought to the Synod by some Delegats, the Pope not being able it seems to find one Prelat at leisure that was fit to be his Legat on this Occasion, the Fathers were more incensed than ever against *Eugenius*, for having offered, as if they had been an Assembly of Fools or Children, to put an Instrument upon them; which by calling a new Council at *Basil*, confirmed his having dissolved the present, as a Bull that revoked the Dissolution that it confirmed. There was also a Passage in it, wherewith the Fathers were highly distasted, which was, its giving Power to the Presidents and Legats to dispatch the Affairs of the Universal Church

Church with the Advice of the Council; this they said destroy'd the Authority of the Council at a blow, and of Judges, made the Prelats to be only Counsellors to the Presidents: whereupon they having declared at large the ill Consequences which must attend its being in the Pope's Power to dissolve or translate General Councils at his Pleasure, and that the Belief of such Councils being the Supreme Authority of the Church, was a Matter of Faith; and that *Eugenius* therefore for having deny'd to hear them, deserved to be treated as an Heathen and a Publican, they concluded that they would, after the Example of their Predecessors, die a thousand Deaths, rather than betray the Authority of the Church by their Sloth or Cowardise, in being satisfied with such an hypocritical Bull, or admitting of Presidents with such an Authority as it gave them: and so having dismissed the Delegates with their Bull, they went on with their Citation of *Eugenius* with greater Heat than ever. And in their twelfth Session which was held on the 13th of July, after a long Invective against *Eugenius's* Obstinacy, they had certainly pronounced him contumacious had they not been hindred by *Sigismund's* Embassadors, who desired sixty days more for him, by which time they assured the Fathers the Emperor would be with them in Person: they decreed nevertheless that at the Expiration of that Term, *Eugenius* if he did not comply with the Synod, should be *ipso facto* suspended.

But if the Synod was angry with *Eugenius* for having offered to put such a Trick upon it, *Eugenius* was no less angry with the Synod for having discovered his Trick, and by a Bull bearing date the 26th of July, after having declared them to be a most seditious Conventicle, he voided and

nulled all Decrees, Citations, &c. made by them against him and his Cardinals, commanding all Christians upon pain of Excommunication not to have any regard to the *Basileans*, or to any thing they did, being a pack of factious Spirits set on to disturb the Peace of the World.

But this angry Bull was so far from terrifying the Council, that they had certainly declared him Contumacious on the day of the Expiration of the last Term, had not their Protector the Duke of *Bavaria* obtained 30 days more for him; after the granting whereof, the Archbishop of *Spalato* and the Bishop of *Cervina*, the Pope's Nuncios, knowing nothing of what had passed, came to the Council, desiring the Fathers not to pronounce Sentence against their Master, the 60 days which had been allowed not being as yet expired. The Cardinal *Julianus* told them thereupon, that they had not been acquainted, it seem'd, with the Council's having granted the Pope 30 days more, asking them whether they had brought his Adhesion to the Synod or not: to which the Nuncios returned no Answer, they having brought only a loose general Proposition of revoking all that had been done by the Pope, provided the Synod would do the same as to all that they had done against him, but without any particular mention of the Bull of Dissolution, which the Pope could not endure to think of revoking by a publick Bull. This Proposition having been rejected with Indignation by the Fathers, the Pope was so far provoked thereby, that he published another Bull against them bearing date the 2d of *September*, "Wherein having
"taken notice of the Synod's having presumptu-
"ously cited him and his Cardinals, he com-
"mands all Christians under pain of *Anathema*,
"to look upon the said Citation, and all the
"Effects

“ Effects thereof as void and null, he having by
“ these Presents, in defence of the Dignity of his
“ Holy See, declared them so to be.

But when the thirty days the Duke of *Bavaria* had obtained for *Eugenius* were expired, the Synod assembled on the 10th of *October* with a full purpose to have pronounced him Contumacious; which as they were ready to have done, News was brought that the Emperor was just alighted, and was making himself ready to come to Church to them: the Fathers overjoy'd at the News went in a body to wait upon him; who after he had received their Congratulations, going with them to the Place of their Assembly, prevailed with them to suspend their Sentence a Week longer, and when that was expired, he desired them to adjourn the passing of it till the 8th of *November*; which day being come, the 14th Session was held with great Solemnity, the Emperor assisting thereat in his Imperial Robes, and with all his other Royal *Insignia*: Wherein the Fathers having at the Emperor's Request allowed *Eugenius* ninety days more, they drew up several Forms of Adhesion, leaving it to him which of them he would sign, requiring him particularly, besides the Bull of Dissolution, to repeal and void the last three Bulls he had published to their Prejudice.

Eugenius, notwithstanding the Council was thus hard upon him, dreading it now that the Emperor was in it much more than he had done before, sent his Letters of Adhesion to it; which having been presented to the Synod by the Archbishop of *Tarentum*, and the Bishop of *Cervina* on the second of *February*, they were after a strict Examination declared by the whole Synod to be satisfactory, *Eugenius* having therein comply'd with every thing the Council had required of him, declaring them

to be, and since they met, to have always been a General Council lawfully assembled, revoking his Bull of Dissolution, and other two Bulls, denying the third of the 18th of the Calends of *January* to have been his; he also with this named Legats to preside in the Synod in his Name. The Legats with the Cardinal *Julianus* were *Nicolaus* Cardinal of the Holy Cross, *John* Archbishop of *Tarentum*, *Peter* Bishop of *Padua*, and *Luis* Abbot of *St. Justin*: who having on the 24th of *April* taken an Oath
 “ to act faithfully for the Honour of the Council,
 “ and to defend all its Decrees, but especially
 “ the Decree of the Council of *Constance*, of the
 “ Subjection of the Pope to the Coercive Power
 “ of General Councils in all things belonging to
 “ the Faith, the Extirpation of Schism, and the
 “ general *Reformation* of the Church in its *Head*
 “ and *Members*, as also to give wholesome Counsel
 “ according to God and their Consciences, and not
 “ to reveal to any Person how the Prelats voted,
 “ nor to depart from the Place of the Synod with-
 “ out its Leave; they were admitted Presidents,
 but without being allowed any Coercive Power, all Decrees and other Acts of the Council being to be expedited as formerly under its own Seal.

Here we are told a very odd thing if it is true, which is, that tho these Prelats were admitted Presidents of the Council as the Pope's Legats, and did take the forementioned Oaths as Presidents, nevertheless that they took them not in the Pope's, but in their own Name; a thing naturally so absurd, and, considering how high the Spirit of the Synod was at this time, so incredible, that it had need to be very well attested to be believed by any indifferent Person: it seems much more probable, that those who had the Acts of this Synod for near an Age intirely in their Hands, might

might be tempted to foist such a Passage as this into them, especially considering that so great a Point as that of the Pope's having acknowledged a General Council to be superiour to him depends thereon, than that such an Assembly should admit Men their Presidents as the Embassadors of a Prince, and at the same time allow them to take an Oath of Fidelity to the Assembly in their own, and not in their Prince's Name. But in whose Name soever these Oaths were taken, never were Oaths worse observed than they were; the Presidents from the first minute they took their Place in the Synod, studying nothing but how to blow it up, by creating Factions in it, and gaining Prelats to the Pope by Promises of great Preferments.

Eugenius having been driven out of *Rome* at this time by the *Colonna's* and other Citizens, to whom he had rendred himself extreamly odious, the whole City crying after him, *Let new Taxes and the Inventors of them perish*; when he came to *Florence*, writ a very kind Letter to the Council, thanking them therein for having so affectionately admitted his Legats Presidents, promising faithfully for the future, to love them as Sons, observe them as Brethren, and to be bound up with them in the Blessings of the same Sweetness by a fervent Love. But the Synod knowing the Man too well to rely much on any Professions or Promises he could make them, now it had brought him to its own Terms, would not be diverted by a few good Words from doing what was necessary to the holding of him and all his Successors to them: and whereas there were some who pretended that the Pope had never given his Consent to the Decree of the Synod of *Constance*, which declared a *General Council to be superior to him*, they resolved either to remove that Objection, or to break with the Pope again, and
accor-

accordingly on the 26th of June they made a Decree, declaring that a *General Council* derived its *Authority immediately from Christ*, and that all Christians of whatsoever State or Dignity, the Papal not excepted, were bound in Conscience to obey all its Determinations in all matters appertaining to the *Faith*, the Extirpation of Schism, and the general *Reformation* of the Church in its *Head* and *Members*. To which Decree, coming upon them before they were well warm in their Chairs, and while their Master was in very bad Circumstances, the Presidents gave their Consent; so that howsoever it was before, the Supremacy of a General Council had now the Pope's Consent to it.

The Council vainly imagining that it had by this Decree secured its own Supream Authority, and that of all future General Councils, since none hereafter could without denying the Infallibility of the Church, call the Truth thereof in question, begun to act as the Supream Church-Authority; sending two Cardinals into *Italy* as the Legats of the Universal Church, to reconcile the Princes and People thereof to *Eugenius*. The thing that made the Synod the more forward to send this Embassy into *Italy* was, *Eugenius's* Adversaries making his being an Enemy to the Council of *Basil* one of their chief Objections against him, which the Synod now he had so affectionately and thoroughly adhered to it, thought it self bound in Justice to remove. The Legats sent by the Synod on this Errand, were the Cardinal of the Holy Cross, who was one of its Presidents, and *John Cervantes* Cardinal *Sancti Petri ad Vincula*; the former of which is said not to have consented to the forementioned Decree, which is just as likely as that of his having taken the Oath of President in his

his own Name and not in the Pope's, it being a very incredible thing that the Synod, if the Cardinal had not consented to that their darling Decree, would have employ'd him so soon after as their Legat, and especially in an Embassy, which was to be a Precedent to all future Ages of a General Council's having Authority to send Legats in the Name of the Universal Church.

But howsoever that were, the Cardinal with his Colleague having gone with that Character to *Rome*, after having treated there with the *Colonna's* who had the chief hand in driving *Eugenius* out of that City, he went to *Florence*, where having caballed with *Eugenius* how to destroy the Council, he was sent back to it again with Instructions that in a short time did its business effectually: for as he was reckoned to be one of the most dextrous Statesmen of his time; so his main business at *Basil* was to gain the Cardinals and great Prelats over to *Eugenius* by Promises of higher Preferments: so the Cardinal *Capronicus*, whom *Eugenius* had pronounced not to be a Cardinal, because tho he was named to that Dignity by *Martin*, he had not been publickly declared by him before his Death, and the Cardinal *Julianus* the President, and the Cardinal *Cervantes*, who were the Pillars the Council chiefly stood upon, were all three gained over to *Eugenius* by such Promises; the first being afterwards created a Cardinal by him, and the second made Cardinal Presbyter of *St. Sabina*, and the third Cardinal Bishop of *Ostium*. Which tampering of *Eugenius* with the chief Supporters of the Council, made it to be in every body's Mouth, that *Eugenius* would certainly at last be too hard for the Council, he having more Bishopricks and other great Preferments in his Gift than the Council had.

But

But as it was plain to every body, that *Eugenius* notwithstanding all his solemn Professions to the contrary, still hated the Council mortally in his Heart; so it was visible that he was continually hunting after some plausible Pretence or other to dissolve it; or, which would be the same to his purpose, to translate it into *Italy*.

And whereas the Greek Emperor had promised and swore by his Embassadors, whom he had sent to *Basil*, to come in Person, with his Patriarch and Clergy into the West, to join with that Council in order to the reuniting of the two Churches; *Eugenius* being sensible that the Greeks, if they should meet the Basileans any where in a Free Assembly, would unanimously concur with them in establishing the Supremacy of General Councils, that being a Doctrine the Greek Church had not at any time ever in the least doubted of; he spared for no Pains nor Cost under-hand to divert that Emperor from being as good as his Oath, representing the Synod of *Basil* secretly, by his Agents at *Constantinople*, as a factious and divided Body of Men, that agreed in nothing but in an Intention of destroying all Order and Government; and having entered into a close Negotiation with the Emperor and Patriarch about that Affair, at the same time he pretended to join with the Basileans, in perswading them to come to a Council in the West: he urged them to insist upon having that Healing Synod assembled at *Constantinople*, to which Place he knew no great Number of the Basileans could repair; promising whenever it should be called, to send Legats to assist at it; *Eugenius*, so he could but keep the Greeks and Basileans asunder, having no Concern where that Council were held, or whether there were ever any such Council or not.

The Synod being informed by its Legats at *Constantinople*, of this secret Negotiation of *Eugenius*, and of his labouring all he could under-hand by his Agents, who had much more Money to sprinkle among the Greeks than they had, to keep the Emperor and his Clergy from coming to them; they resolved, both for their own Security and that of all future General Councils, to set about the retrenching the great Riches of the Papacy, it being plain to every body, that till that was done, it was not possible by Paper-Laws and Constitutions to keep it long under the Government of an Assembly, that as it was a Body, had not one Farthing to lay out for Publick Services: And accordingly in its 13th Session held on the 9th of June 1435, it passed a Decree, “ That for the future no
“ Fees should be paid to the Court of *Rome* for
“ any Ecclesiastical Collations, Institutions, Pro-
“ visions, Confirmations, Elections, Admissions,
“ Investitures, &c. nor for Holy Orders, or any
“ Offices, Benefices, Benedictions, Palls, &c.
“ And that no Annats or First-Fruits should be a-
“ ny longer paid to the said Court, any Custom,
“ Privilege or Statute to the contrary notwith-
“ standing. Ordaining further, That whosoever
“ should hereafter receive any such Fees, should
“ incur all the Penalties of Simony; and in case
“ the Pope, who of all others was under the
“ strictest Obligation to observe the Decrees of
“ General Councils, should be guilty thereof,
“ that complaint should be made of him to such
“ Assemblies.

This Decree was violently opposed by the Papalins, who began now to appear as a Party in the Council, as a Retrenchment that would disable the Papacy from doing the Duties that were incumbent on it. To obviate that, the Fathers in
answer

answer to it, promised, That if the Popes would but observe the Decrees of General Councils themselves, and exhort all other Christians to do the same, they would by some other ways which were less burdensome, provide a sufficient Revenue for all the Occasions of the Papacy. They gave *Eugenius* likewise the same Assurance of a sufficient Maintenance, upon the same Condition, by the Nuncios they sent to him to satisfy him of the Justice and Necessity there was of the Retrenchments they had made. We are not told what Answer *Eugenius* returned to this Message; but whatever it was, the Synod was so ill satisfied with it, that in its next Session held on the 22^d of *March* 1436, after having made several Regulations in the Election of the Pope, it drew up the Form

“ of an Oath to be taken by him so soon as he was
 “ chosen, and to be repeated constantly at the
 “ High Mass of the Anniversary of his Election;
 “ the main Article whereof was, That he should
 “ observe the Decrees of all General Councils,
 “ and particularly those of the General Councils
 “ of *Constance* and *Basil*. Ordaining farther, That
 “ it should not be lawful for the Pope to advance
 “ any that were near akin to him to any Dignities
 “ or Honours either in the Church or State; or
 “ to encrease the Number of Cardinals above 24;
 “ among whom, for the Ease of the Church, one
 “ half of the Revenues of the Papacy should be
 “ equally divided.

Eugenius, tho terribly enraged by these Decrees, yet had so much wit in his Anger as not to break with the Synod upon Points he knew to be popular, but chose rather to do it, upon the Point, where the Reconciling Council was to be held. And in order thereunto he dispatched the Cardinals *St. Crucis*, and *St. Petri ad Vincula* to *Basil*, with Instructions

structions about it: Who being arrived there, after having declaimed against the forementioned Retrenchments and Regulations, they mustered all their Pensioners together, to try if they could carry it, to have the Reconciling Synod assembled in some City of *Italy*: But when it came to be put to the Vote in what Country the said Synod was to meet, it was carried by a great Majority that it should be at *Basil*; or if that could not be conveniently, at *Avignon*; and if that could not be neither, in some City not far from the Sea in the Dutchy of *Savoy*: By which Majority, tho a very great one, the Papalins, who now appeared in their own Colours, were so far from being determined, according to the Custom of all such Assemblies, that they voted either *Florence* or *Utinum*, two Cities in *Italy*, to be the Place where the said Synod was to assemble. And having done that, after a tumultuous manner, they afterwards passed it clandestinely into a Decree; which, right or wrong, they would call a Decree of the Universal Council of *Basil*; to which *Sham* Decree, not being able to get the Seal of the Synod, they clapt that of Cardinal St. *Petri*. And having thus expedited it, they dispatched it immediately by two Nuncios to the Pope for his Confirmation; which being presently granted by him with both Hands, he sent it with all possible Expedition, by the same Nuncios that had brought it from *Basil* to *Constantinople*; with which the said Nuncios, as Embassadors sent thither by the Council, were to invite the Greek Emperor and his Clergy to the Celebration of a Council in one of the Cities of *Italy* therein mentioned; sending at the same time a Fleet of Gallies he had hired of the Venetians, to fetch them to it. Which Nuncios being arrived at *Constantinople*, they were in great haste
to

to have an Audience; and having obtained one, they did, in the Name of the Oecumenical Council of *Basil*, invite the Emperor and his Clergy to embark upon the Gallies they had brought for *Italy*, in one of the two Cities whereof the Pope and Council were both agreed, that the Synod he had desired and promised to come to, should be assembled. The Truth of which Invitation was confirmed, not only by the Embassador the Emperor had sent to the Pope, but by the Embassador likewise whom he had sent to the Council; both which Ministers having been corrupted by *Eugenius*, were sent along with this Fleet to vouch for the Truth of all that the Nuncios said. Which was done likewise, tho innocently, by the Council's own Resident at *Constantinople*; who having heard nothing of the Division the Pope had made at *Basil*, and knowing the Nuncios to be Members of that Synod, had not the least suspicion of their being Impostors, till about a Fortnight after that News was brought, that a Fleet from the Council, with its Nuncios aboard, were come the length of *Chios*; the Report whereof was bore down by the Nuncios at *Constantinople*, and their corrupted Vouchers, with an astonishing Confidence, as a most impudent and groundless Lie set about on purpose to disgrace them. But at the end of five Days the Council's Fleet appeared before the City to confirm it; which having thrown the Papaline Nuncios, who did not know what to say next, into a terrible plunge, the Admiral of their Fleet who was the Pope's Nephew, had he not been hindered by the Emperor's expresse Order, had taken an effectual Way to have helped them out of it, by having gone out to Sea with an Intention to destroy the Council's Fleet as a Fleet of Pirats. On the doing whereof the Nephew had
set

set his Heart so much, that he sent the Emperor back word, when he received his Order not to stir from his Anchors, that he could not justify his not going out to Sea to destroy those Pirates, being expressly commanded in his Commission to do it whensoever he met them. But the Emperor, who could not suffer his Coast to be so affronted, ordered the Council's Gallies into the Port of *Cygneum*, giving an Audience to the Legats that were on board them, who were the Bishops of *Visoe* and *Lausan*; on the same Day they came ashore, by whom he was quickly convinced of their being the Legats of the Council, and of the former Nuncios being Impostors sent by *Eugenius*, and that the Decree they brought with them had been made only by a small and boisterous Party in the Synod. But tho the Emperor and Patriarch were both satisfied, that the first Fleet was sent by *Eugenius*, and not by the Council; nevertheless they resolved to imbark upon it for *Italy*, notwithstanding all that the Council's Legats could say and promise to perswade them to go upon their Gallies, tho they, reckoning that the Greeks had been gained by the Papalins by promises of great Succors, and Sums of Money, strived to outbid them in both, alluring the Emperor, that the Council had all the Western Princes on its side, and that *Eugenius*, if he was not already, would certainly be deposed by the Council before he could get to *Italy*. But when they found this would not do, their next Business was to dissuade the Emperor, since he would not go with them, from going at all; telling him, it was no proper time for him to seek to reconcile the Greek Church to the Latin, now that the Latin was so divided within it self; and that therefore it would be his best course to put off his Journey till he saw how
d the

the present Dispute betwixt the Council and the Pope would end: In which Diligence they were seconded by all the Greek Ecclesiasticks who were named to go with the Emperor and Patriarch in their Western Expedition.

But whatever it was that had determined them, on *Eugenius's* Gallies they would, and did go, whom I shall leave sailing for *Italy*, and return to see what the Council is doing. It being highly offended with *Eugenius* for having the Confidence thus to make use of its Name and Authority, not only in contradiction to what it had decreed, but with an intention to blow it up, and with it the Authority of all future General Councils, on the last of *July 1437*, they published a Monitory and Citation against him; wherein having accused him
 “ of Ecclesiastical and Civil Male-administration,
 “ and of Simony, Prevarication and Perjury, and
 “ of contemning the Authority of a General
 “ Council, it summoned him to appear, either in
 “ Person, or, being lawfully hindred, by his Procurator within the term of sixty Days, to answer to the Crimes he stood charged withal;
 “ threatening, if he did not appear, to proceed
 “ against him for his Contumacy; nulling at
 “ their next Session all Creations of Cardinals
 “ which were said to have been made by *Eugenius*,
 “ as also the supposititious Decree that appointed *Florence* or *Utinum* to be the Place the Reconciling Council was to meet at.

But *Eugenius*, whose Affairs in *Italy* were in a much better Posture, while those of the Council, by reason of the Emperor's Absence from them, and of his being ingaged in a War in *Bohemia*, were in a worse than when he stooped to make an Adhesion to them, was so far from obeying this Citation, that by a Bull bearing date the 16th of
October,

October, he translated the Council from *Basil* to *Ferrara*, having so little regard to the Decree made by his Basilian Faction, and which he had confirmed, and was at that time making use of at *Constantinople*, as to name neither of the Places that are mentioned therein; of which, tho it was a great Affront to them, we do not read that his Basilian Partizans complained, that being a thing that Pensioners dare not do, tho never so ill used by their Patrons. But tho those same Creatures durst not resent their having their Authority thus despised, the Council which was not under the same Ties to *Eugenius*, so resented his having pretended to translate it, that without allowing him one Day after the Expiration of the Term in the Citation, they solemnly pronounced him *Contumacious*: After which, at the Request of the Embassadors, they granted him three Months to offer his Reasons, declaring his pretended Bull of Translation to be void, and making several Regulations about Appeals to *Rome*, and the disposing of Benefices, to the further retrenchment of the Papal Revenues; and so soon as the said three Months were expired, they solemnly declared him to be suspended from the Administration of the Papacy, both in Spirituals and Temporals, and that the Administration thereof was devolved to the Council; commanding all Christian Princes and Bodies, upon pain of Excommunication to be *ipso facto* incurred, and all Ecclesiasticks upon the same Penalties, and those of Deprivation, and of being disabled to hold any Preferments, not to yield him any Obedience for the future.

After the passing of which Sentence, the Doctrines of a General Council's deriving its Authority immediately from Christ, and of all Christians, the Pope himself not excepted, being bound to

obey its Decrees, were by the Synod declared to be Matters of *Faith*, as *Eugenius* for not believing them was declared to be a *Heretick*, several of the Prelats having contended to have had him declared *Relapsed*, that he might not be capable of a Pardon, tho he should submit.

But as *Eugenius* was very far from any thoughts of submitting, so the Synod on the 4th of *May*, the day appointed for passing the Sentence of Deposition upon him, in a full Assembly declared “*Gabriel Condeltmore*, which was *Eugenius*’s Name
“ before he was chosen Pope, to have mocked
“ God and the World by his Prevarications, and
“ to be guilty of despising the Authority of this
“ present and all other General Councils, in
“ having pretended to translate this of *Basil* with-
“ out its own Consent, and in having refused to
“ appear when cited by the said Synod, and for
“ continuing contumacious and disobedient to the
“ Commands of the Church, and a Disturber of
“ her Peace and Unity, and for being an incor-
“ rigible Schismatick, and obstinate Heretick, a
“ perjured Person, and a Dilapidator of the Ro-
“ man Pontificate, to have rendred himself un-
“ worthy of the Papacy, or of any Title, Degree,
“ Honour or Dignity whatsoever : for which rea-
“ son the Sacred and Universal Synod of *Basil* doth
“ pronounce and sentence him to be lawfully de-
“ prived of the Papacy or Roman Pontificate,
“ amoving, depriving and throwing him out of
“ the same, reserving a Power to it self to pro-
“ ceed yet further against him, and prohibiting
“ the said *Gabriel* upon pain of Excommunication
“ to stile himself any longer Pope, and all Chri-
“ stians under the same Penalty any longer to own
“ or obey him as such.

After the passing of which Sentence, the Synod
having

having observ'd that some of its Members were stealing from it daily to *Eugenius*, who was prodigal of his Preferments to all such Deserters, it passed a Decree that the Synod should not be dissolved but with the Consent of two thirds of its sitting Members, nor be hindred from going on with the Work it had in hand, and particularly that of choosing a new Pope, whose Election they appointed to begin on the 60th day after that whereon *Gabriel* was deposed, summoning all the Cardinals to come to it, and nulling all Conventions, Pactions, Promises, Obligations and Oaths which might pretend to hinder them: But not expecting that many of the Cardinals would come, they ordered that 32 of the Prelats, or other Ecclesiasticks of the Synod, should be joined with the Cardinals, and have Voices in the said Election: and in case the Person chosen by the said Electors should refuse to accept of that Dignity, that they should have Power to meet again and choose another, and so on till they had filled the Roman Chair; prescribing the form of an Oath to be taken by the Pope that should be chose, the main Point whereof was, that he should swear to be obedient to the Decrees of all General Councils, and particularly to those of *Constance* and *Basil*.

After the passing of which Orders, the Synod finding it would be a tedious Work for so great a Body as it was, to agree in the Nomination of 32 Electors, it thought fit to commit the Nomination of them to three Persons, who were to be of that Number themselves. The three were *Thomas* a Scots Cistercian Monk, Abbot of *Dondruina* in *Galloway*, who had stickled hard to have had *Eugenius* declared a Relapsed Heretick; and *John* of *Segovia* a Spaniard, and Arch-deacon of *Villa Vizi-osa*; and *Thomas de Courcellis* a French-man, and

Canon of *Amiens*; who being named by the Council, took *Christian de Gratzregia* a German, and Rector of *St. Peter* in the Diocese of *Ulm*, into their Number; which four did in a short time name the other 28, much to the Satisfaction of the Synod; which 32 with the Cardinal of *St. Cecilia*, the only Prelat of that Order then remaining in the Council, did after five Scrutinies choose *Amy* the first Duke of *Savoy* Pope, who had sometime before retired to the Desert of *Ripoli*, where with several of his Nobles he lived as a *Hermite*.

I must here stop in the Account of this Transaction to reflect a little on this Scots Abbot, *Thomas* the *Cistercian* Monk, who was chosen the first of the three Electors. It is somewhat strange that none of the Scottish Writers speak of him. It was a great Honour to that Nation to have produced a Man of so eminent a Character, who upon so extraordinary an occasion was set at the head of such a Business, which was in a great measure to be supported by the Credit of those to whom it was trusted. One ought to think that both his Learning, his Integrity, and his Judgment were very much distinguished, and yet I do not find that he is known to the Writers of that Nation, tho the best they had, and one of them the best that any Nation ever had, writ within a hundred Years of this time. If *Boethius* and *Lesley* would take no care to preserve the Memory of a Man who was so much concerned in such a Business, yet how he scaped the Diligence of *Buchanan*, who must have valued him the more for it, is somewhat strange: perhaps the case with him was like that of a Prophet who is not without Honour save in his own Country; or so transient a thing is Fame and Reputation, that he who in one Age was esteem'd the Man of the first and most

most distinguished Merit of a whole Council, is so forgotten in the next, that even those who have laboured much and with great Success, *Buchanan* especially, to raise the Value of their Country, have not mentioned a Man that was so great an Honour to it, and that within memory of the time in which they writ. But I now return to the Sequel of this Matter.

The Synod, which was extreamly well pleased with the Election, immediately dispatched the Cardinal of *St. Cecilia* with 24 Prelats and Nobles, to acquaint the said *Duke* with his being chosen Pope; who being perswaded by the said Cardinal to accept of the Papacy, he took the Name of *Felix*, and after having taken the forementioned Oath, was crowned with great Solemnity at *Basil*.

This Cardinal of *St. Cecilia*, who was commonly called the Cardinal of *Arles*, for his having thus adhered to the Council to the last, is represented by the Papalin Writers of his time, and by some Moderns, as a Monster made up of Ambition and Revenge; *Ciaconius* in his Lives of the Cardinals, calling him the great Reproach and Blemish of his Order: and yet for all that, this Monster of a Cardinal was for his extraordinary Piety and Miracles beatified by *Clement VII.* in the Year 1527, and has been ever since pray'd to with Authority in *France*, which was done by the Pope without taking any notice of his ever having repented of his Adhesion to the Council of *Basil*; by which we may see what Credit the Characters given by the Papalin Writers to their Adversaries deserve.

Felix so soon as he was crowned, dispatch'd Legats to all the great Courts, to acquaint them with his being chosen Pope; by which tho *Spondanus* and other late Writers will not have him to

have been acknowledged, *Sabellicus*, *Marinul*, and *Nauclerus*, who writ their Histories about that time, do affirm he was ; and all Writers both of that Age and since that time, do agree that he was acknowledged by the King of *Arragon*, the Queen Dowager of *Hungary*, the Duke of *Austria*, and some other Princes.

But howsoever the *French King* stood affected to *Felix*, it is certain he was a Friend both to the Council he was chosen by, and to its Doctrines and Reformations, the Doctrine of a General Council's being superiour to the Pope being at that time and ever since the Doctrine of the University of *Paris* ; and as to its Reformations, the *Pragmatick Sanction*, which was made after *Felix's* Election, was taken out of them.

But to return to *Eugenius*, who having in the Year 1438 assembled his Synod at *Ferrara*, he had it decreed in the first Session thereof, that it was a *General Council lawfully assembled*, and that the Assembly of *Basil* was a *Schismatical Conventicle* : after which having the News brought him of the Greek Emperor and his Clergy's being landed at *Venice*, he sent the Cardinal *St. Crucis* and the Marquess of *Ferrara* to invite them to come to the Council ; to which, after having been splendidly entertained by the *Venetians*, they repaired, and were kindly received by *Eugenius* ; who, tho he never reckoned himself secure of them till he had them within the Walls of *Ferrara*, maintained them there seven long Months, and at a vast Charge, before he assembled the Synod, tho it was then in being, and had had some Sessions just before their Arrival.

But tho we are not told what it was that kept *Eugenius* so long from assembling the Greeks in his Synod, one may, I think, venture to say, that it was nothing but his being sensible that in their
Princi-

Principles the Greeks were much greater Enemies to the Papal Supremacy than the *Basileans*, in not only holding that the Pope was subject to a General Council, but in holding farther, that all the Primacy he had was derived purely from the Constitutions of such Assemblies; which, considering what use the *Basileans* would have made of Disputes in *Eugenius's* own Synod upon that Point, made it not safe for him to incorporate the Greeks into it, until he had by Bribing, Dieting, and some other Methods that required time, made them either change those Principles, or till he had at least brought down their Stomachs, which after they were in *Italy*, were visibly too high for *Eugenius's* Business with them: for besides that the Greek Patriarch had declared at *Venice*, that in case he found the Pope to be the elder Man of the two, he would then reverence him as his Father, so if he was much about the same Age, he would then treat him as a Brother, and if younger, as a Son; so when the Pope before he landed at *Ferrara*, sent him word, that he expected that he and his whole Clergy should at their first Audience adore him and kiss his Foot, the Patriarch disdaining such a servile Submission, sent back word, that as it was a thing he had never so much as dream'd of, so he was resolved rather than yield to such a monstrous thing, to return home immediately, without ever seeing the Pope: neither would he be perswaded to set his foot on shoar until the Pope had promised not to require that of him, or of any of his Clergy.

And tho it was not possible for any Assembly of Men to depend more entirely on a single Person than the Greeks did on *Eugenius*, both at *Ferrara* and *Florence*, to which last City he removed them, on purpose to have them closer in his Pound than
he

he had them at *Ferrara*, from which Place some of the chief of the Greek Bishops had attempted to have made their escape, none of them at either of those Places having a bit of Bread to put in their Mouths, but what they had out of the Pope's Basket; yet for all that Dependence *Eugenius* never had the Courage once to propose to them the thing that was in difference betwixt him and the *Basileans*, but was contented, for all the Charge and Trouble he had been at, with having kept the Greeks from going to *Basil*, and with their having made a general Acknowledgment of the Pope's being *Christ's* Vicar, *St. Peter's* Successor, and *Head of the Church*, but with such a Limitation as made that Acknowledgment to signify nothing as to the Authoritative Supremacy by a Divine Right, which the Pope pretends to; the Greeks as much as they were mortified, having absolutely refused to subscribe that Instrument, before they had it expressly declared therein, that the Pope's Authority was such as was contained in the Acts and Canons of General Councils: in all which there is nothing that makes for that Authoritative Supremacy of the Pope, but a great deal to prove that he had no Primacy above his Brethren, but what was given him by Councils, purely on the Consideration of *Rome's* being the first City in the Empire.

Eugenius was not so weak a Man as to be imposed on by the Greeks, in a Submission that was so limited as to signify nothing to his purpose, but rather the contrary: but the Council of *Basil* being still on foot, he durst not for fear of raising Disputes in his own Synod about the Papal Supremacy, press the Greeks too hard on that Point; for had it not been for that, *Eugenius* would have obliged the Greeks both to have kissed his Foot, and to have subscribed to the Papal Supremacy after

after another manner than they did, or he would have starved them for denying to do it.

Eugenius having dismissed the Greeks, yet that he might have the Name of a Council still sitting on his side, so long as that of *Basil* was in being, upon a fantastical pretence translates the Synod from *Florence* to *Rome*, where, without ever having assembled it that we read of, he died in the Year 1446. the Council of *Basil*, which upon the Plague's being in that City had translated it self to *Lausan*, being still on foot, and Pope *Felix* still alive, tho not acknowledged by so many Princes as he was at first.

But as *Eugenius*, notwithstanding he had done little else all the time he was Pope than to struggle against the Establishment of the Supremacy of General Councils, yet had never the Courage absolutely to condemn that Doctrine; so his Successor *Nicolaus*, tho no great Friend to it no more than *Eugenius*, did never once offer to attack it; on the contrary by the Composition he was obliged to come to with *Felix*, he seemed rather to confirm than condemn the main of what had been done at *Basil*.

Pius the Second, the most zealous *Basilean* while he was *Aneas Sylvius*, who succeeded *Nicolaus*, seemed to have given a Blow to that Supremacy, by a Bull prohibiting all Christians upon pain of Excommunication to appeal to a future General Council; and which, to make it the more formidable, he inserted into the *Bulla Cænæ Domini*, the Absolution from whose Censures is reserved to the Pope; so natural it is for Apostates to outdo all others in Zeal against the Party they have forsaken. But this Bull, tho designed every way to lessen the Authority of General Councils in the Minds of People, yet since only future General

neral Councils, but not *General Councils in being*, were named in it, the *Constance* or *Basil* Doctrine was not reckoned to be condemned thereby, the Cardinals themselves not being so much prejudiced against those Assemblies, as not to desire to see any more of them: for they being congregated in the Conclave upon *Pius's* Death, drew up several Statutes which every one of them in case he should be chosen Pope, swore to observe. The Statutes were, 1. That he should continue the War against the Turks. 2. That within three Years after his Election he should assemble a General Council. 3. That he should never increase the Number of Cardinals above that of twenty four, nor prefer above one of his own Kindred to that Dignity. 4. That he should dispose of no great Preferments but in Consistory, &c. All which Statutes, tho they were sworn to at the Altar by *Paul* the Second, who was chosen Pope at that time, both before and after his Election, yet he was so far from observing them, that presently after he was crowned he made a publick Declaration, and forced all the Cardinals save one to sign it, that he was not obliged by the Oaths he had taken to keep the said Statutes; it being the Popes Prerogative to make Laws for others, and not to have Laws imposed upon them. And as to the Statute of calling a General Council, he was so far from any thoughts of doing it, that he made it one of his chief Articles against *Platina* and the other Criticks of *Rome*, that they had threatned, upon his having persecuted them so barbarously for their Learning, to sollicit all the Princes of *Christendom* to have such an Assembly called to keep the Papal Power within some Bounds.

Sixtus the 4th, who had probably taken the same Oath, before and after his Election, that his Predecessor

decessor had done, seemed to be in haste to comply with it; for in the first Year of his Pontificate he called a Council to meet at *Rome*; but being solicited by the Emperor *Frederick* to assemble it at *Utinum*, where it would have more freedom, he was so little fond of having it any where, that he dropt it, reckoning it is like that he had abundantly satisfy'd his Oath, by having called such an Assembly, tho it never met. After which, tho *Sixtus* had nothing farther from his Thoughts than to call a General Council, his Heart being entirely set on advancing his obscure Family to Principalities, to the promoting whereof he was very certain such an Assembly would no ways contribute, nevertheless the insufferable Effects of that Ambition, and particularly that of his having had his Hand so deep in the barbarous Assassination of *Julianus de Medicis* in the Church at High Mass, made the *Florentines* and others to wish for such a Synod, to curb and punish him for such enormous Violences.

The *Florentines* having upon *Sixtus's* putting their Common-Wealth under an Interdict, and following that with an Army, on the account of their having hanged the Arch-Bishop of *Pisa* for being concerned in that Murder, and their having imprisoned the Cardinal of *Florence* upon suspicion of his having been privy to it, assembled a Synod of all their Prelats; they after having charged *Sixtus* with that Murder, and commanded the Ecclesiasticks not to regard his Interdict, appealed to a General Council to have Justice done upon him.

The French King likewise being solicited for Succours by *Lawrence de Medicis*, who had narrowly escaped being murdered at the same time, and in the same place, with his Brother *Julianus*,
called

called an Assembly of his Ecclesiasticks and Nobles at *Orleance*: In which it being agreed that the *Pragmatick Sanction* should be restored, and Annats abolished, and a General Council called, the King sent an Embassador to *Sixtus* to require him immediately to call a *General Council*, to deliver the Church out of the Bondage it was in, and to punish all that had any Hand in the fore-said Murder; threatning, if he did not call one presently, to join with the other Princes of *Europe* to do it. To which Message *Sixtus* returned the common prevaricating Answer of his See, That he, and not Secular Princes, was the Judge when the Calling of such an Assembly was necessary; and that if the Times would give way to it, which to his great Sorrow they would not, there was no Body desired to have such a Council called so much as he did. Neither was there, during the Reigns of *Innocent* the 8th, and *Alexander* the 6th, any talk of assembling a General Council, unless it were by Princes now and then threatning the Popes with such an Assembly, and by the Famous *Savatorella*, who writ to most of the Princes of *Europe*, exhorting them with great Zeal to assemble a General Council, to preserve and reform the Church, and to pull down the *Abomination of Desolation*, meaning the *Pope*, which stood in the *Holy Place*. For which Zeal the Pope never gave over persecuting him, until he had him, with three more of his Brethren, burnt at *Florence* as a Heretick, who notwithstanding that, is to this Day reckoned by many of the Roman Church to have been a Prophet, a worker of Miracles, and a Person of extraordinary Sanctity. But upon the Death of *Pius*, who reigned but a few Weeks, the Cardinals who had been most terribly tyrannized over by *Alexander*, being for restraining the
exorbi-

exorbitant Power of the Papacy, among other Statutes they obliged themselves by an Oath, in case they were chosen Pope, to call a General Council within two Years, in a place of Liberty: And it having been found by Experience, that the taking of that Oath by a Cardinal was no tie at all upon him when he came to be Pope, they swore farther, That they should neither absolve themselves, nor give Power to any other to absolve them from the Obligation thereof; and after having thus, as they thought, secured the Meeting of a General Council within two Years, they proceeded to an Election, and chose *Julianus Ruvero*, Cardinal of *Ostium*, a Prelat who loved War too well to be obliged by an Oath to embarrass the Papacy with Synods, and who accordingly suffered not only two, but *seven* Years to pass without calling a Council; and so he would *seven score* if he had lived so long, notwithstanding his Oaths, had not a Council been called by some of the Cardinals at *Pisa* to examine the Validity of his Election, and to punish him for his Male-Administration; and particularly for not having, according to his Oath, called a Council within two Years; and which, had he never taken any such Oath, he was bound by the Decree of the Council of *Constance* to have called. This *Pisan* Synod was promoted chiefly by the French King, who was grown so weary of seeing the Church and Christian State thus desperately *Pope-rid*, that he had a Medal struck with this Inscription, *Delebo Babylonis nomen*, meaning *Rome*, a Name none that have been angry with the Popes for these twelve hundred Years, have ever missed to call that City by. *Julius* to strengthen himself against this *Pisan* Synod, called one at the *Lateran*, a notable Place for Liberty, throwing the blame of his not having called

called it sooner, upon the Wars and Distractions of the Times, which were chiefly of his own creating: And as to the Decree of the Council of *Constance*, he put that off by affirming, That it had not been regarded in eighty Years; or if it had, the Distractions of the Times would have justified him in not obeying it. Which *Lateran* Council, tho' called after this manner, and made up chiefly of a few Italian Prelats, is reckoned by *Bellarmino*, and the other Court of *Rome*-Writers, only for its having been in absolute Subjection to the Pope, to have been a General Council, and such a one too as ought to be a Pattern for Tameness to all future Synods: Nevertheless, excepting its being a Precedent for General Councils having nothing of Authority or Liberty left them, it did nothing to the Prejudice of the *Constance* Establishment.

After this of the *Lateran*, which was continued for some time by *Leo* the 10th, there was no Council called by any Pope, until such another was convoked at *Trent* in the Year 1545, by *Paul* the 3d; and after a Translation of three Years to *Bononia*, was reassembled by *Julius* the 3d; and who before he would congregate it, had the Emperor's Promise under his Hand, that nothing should be done therein that he was not for having done. And after a Prorogation of 11 Years by *Pius* the 4th, an Assembly it was so fettered by the Popes under whom it sat, that from first to last, nothing that looked like Liberty or Authority ever appeared in it, the Pope that first called it having strictly charged his Legats who were its Presidents, not to suffer any Point of his Authority to be disputed therein, nor to publish any Decree in a Session, before they had sent a Copy thereof to him, and to a Congregation he had erected at *Rome*, on purpose

purpose to direct what was fit to be done at *Trent*; whose Resolutions being dispatched to the Presidents, were punctually observed by them. These Presidents, besides their having assumed a new Authority of *proposing* all that was to be offered to the Council, and their having by a Band of Pensioners secured the major Vote to themselves, if any Prelat had the Honesty and Courage to oppose any of the Papal Designs, they did brow-beat and silence him in the roughest manner; and in case the Synod should on any occasion prove Refractory, they had a Bull always ready in their Pocket, impowring them to translate or prorogue it; as they did twice upon frivolous Pretences.

Now that this was the true State of the *Trent* Synod, in that Session of it which was held under *Julius* the 3^d, is proved beyond all contradiction by the following Letters; of which, and the great Men they were writ by, I come now to give some Account.

The following Letters were writ from *Trent*, during the Session of the Council which was held under *Julius* the 3^d, to *Granvill* then Bishop of *Arras*, who was afterwards the Cardinal *Granvill*, at that time first Minister to the Emperor *Charles* the 5th, by *Don Francisco Vargas*, Doctor of Law, and Fiscal or Remembrancer of the Exchequer to the Emperor, by whom he was sent to *Trent* when the Council first met in that City under *Paul* the 3^d; where having remained till it was upon a false Pretence translated by that Pope to *Bononia*, he was sent to that City to protest in the Emperor's Name, against its having been translated thither: Which he did with so much Courage and Dexterity, as raised his Name very high for an able Statesman; for which Reason when the Council came to be assembled at *Trent* again by *Julius*, he

was sent thither by the Emperor to assist his Embassadors in all their Negotiations with the Legat, who at that time was the Cardinal *Crescentius*.

As to *Vargas's* Talents, were there nothing else to prove them to have been extraordinary, the following Letters would abundantly do it; in which with a great Variety of Learning, and a Noble Air of Integrity and Piety, is joined such a strength and clearness of Judgment, as is hardly to be met with in any of the Letters of the most eminent Statesmen now extant. I will not say, because I read of another of the same Name who was Secretary of State to *Ferdinand* the Catholick, that the Writer of these Letters is the *Vargas* meant by the Spaniards, in their Proverbial Saying upon any Matters being so intricate as to require a strong Head to be able to unriddle it, *Averiguelo Vargas*, let *Vargas* dispatch it; yet this is certain, that our *Vargas* was looked upon by the Emperor and all his Ministers, as the most dextrous Man at Business of any Spaniard of his Time; upon whose having acquitted himself so much to the Emperor's Satisfaction at *Trent*, he was presently after the Prorogation of the Council, sent Ambassador by the Emperor to the Republick of *Venice*; from whence, after having resided there some time, he was recalled, but with an Intention of sending him thither again with a double Character of Ambassador, both from the Emperor and his Son *Philip*; the Design whereof was, to have helped *Spain* by that means, after it should come to be separated from the Empire, to the Precedency of *France*: Which being a thing *Charles* had set his Heart upon extremly, he pitched upon *Vargas* as the Person of all his other Ministers, that was the fittest to manage so important and difficult a Point. But tho the French were too wise a Nation to have
such

such a Trick as that double Commission was put upon them, and had too good a Cause to be baffled in it, in so wise a Government as that of *Venice*; it was nevertheless acknowledged by all, that *Vargas* said and did all that was possible in such a Case. So that *Si Pergama dextra*, &c. And tho Embassadors, and especially Spaniards, are not very forward to extol the Abilities of the Ministers that are sent to assist them in their Business; nevertheless we have *Don Francisco de Toledo*, who was one of the Emperor's Embassadors at *Trent* at the time when these Letters were writ by *Vargas*, giving the following Character of him to the Bishop of *Arras*, in a Letter bearing date the 1st of *December* 1551. "What your Lordship writes concerning your being satisfy'd with the Conduct of the Fiscal *Vargas*, gives me great Content, knowing him to be one of the most Learned and best qualified Persons of his Profession, and withal very zealous for his Majesty's Service, and much devoted to your Lordship; your Lordship is therefore bound to favour him with his Majesty, and to see that he be rewarded according to his Merits and Services, which I shall take as a great Kindness, he being a Person for whom I have a particular Affection, being much beholden to him for the Assistance he has afforded me, of which your Lordship takes notice: In a word, he is certainly such an Original, as is not to be quoted again.

Father *de Malvenda*, who was likewise one of the Emperor's Ministers at *Trent* at that time, in a Letter to the Bishop of *Arras* which I here publish, bearing date *February* 27, 1552, saith, "In all our Encounters with the Legat, the Senior Fiscal has still fallen upon wonderful Expedients;

“ who being a Person of great Learning, and
 “ withal much experienced in Affairs of this na-
 “ ture, has not, as I am able to witness for him,
 “ been mistaken in any one Point. And in ano-
 “ ther of his Letters, I publish likewise, bearing
 “ date the 12th of *October* 1551, he tells the Bishop
 “ of *Arras*, “ The Fiscal is certainly such a Person
 “ as you take him to be, that is, a Man of strong
 “ Sense and Judgment, and very serviceable in
 “ giving such Directions as are necessary about
 “ the Council.

Now as *Charles* the 5th's Kindness for *Vargas*,
 whom he knew to have writ so freely of the Cor-
 ruptions and Abuses of the Church of *Rome*, and
 of the Jugglings of the Popes and their Ministers,
 is an Evidence of his having, when he reigned,
 been no great Bigot for Popery ; so we have rea-
 son to believe, that after his Retirement, when he
 came to make the study of Religion his whole Bu-
 siness, he had his Mind so enlightned, as to discover
 both the Errors and Corruptions of Popery, and
 the Truth and Beauty of the Protestant Doctrines
 so far, as to have died in the Faith of the latter ;
 of which, considering among whom he died, and
 how much all the Monks and Friars of *Spain*, if
 it had been so, would have been concerned to have
 suppressed it, tho a direct and positive Proof is a
 thing not to be expected ; nevertheless not only his
 Chaplain and Preacher, but he likewise who was
 his Confessor at his Death, as also the Arch-Bishop
 of *Toledo*, who assisted him in his last Minutes
 with Ghostly Counsel, being all accused, as they
 were, of being Protestants, is such an Evidence
 of that Prince's having been of the same Religion,
 as an impartial Mind can hardly know how to
 resist.

For,

For, 1. As to his Chaplain and Preacher *Augustin Casal*, who was Canon of the Church of *Salamanca*, and is acknowledged by his Enemies to have been one of the most Eloquent Preachers that ever *Spain* produc'd; he was taken up by the *Inquisition* for being a Protestant in the Year 1558, and was with 13 more, who died professing the Protestant Religion, burnt publicly at *Valladolid* in the Year 1559. the unfortunate Prince *Charles*, and his Aunt *Dona Joanna*, who was Governess of *Spain* at that time, being Spectators of that barbarous Execution.

2. His Confessor *Constantine Poncius*, who was Canon of *Sevil*, and a Person of wonderful Piety and Learning, was likewise taken up by the *Inquisition* for being a Protestant; who dying in Prison, the Inquisitors know best of what Death, had his Bones and Effigies burnt publicly in the Market-place of *Sevil* in the Year 1560, as were also the Bones of the Learned Dr. *Egidius* Canon of *Sevil*, who had been named by the Emperor to the Bishoprick of *Fortosa*, who either died, or was murdered in the same Prison, eighteen being burnt alive at the same time for being Protestants: on which occasion the Writer of the History of the *Inquisition* saith, " That had not that holy Tri-
" bunal taken care thus to put a stop to those
" Reformers, the Protestant Religion had run
" through *Spain* like Wild-fire, People of all De-
" grees and both Sexes being wonderfully dispo-
" sed at that time to have embraced it. Nay, the
Author of the Pontifical History, who was present at some of those Martyrdoms, and particularly at that of *Herrezulo*, saith, " That had those
" Learned Men been let alone but three Months
" longer, all *Spain* would have been put into a
" Flame by them.

Lastly, *Bartholomew de Cavanza*, a Dominican Friar, who had been Confessor to our Queen *Mary*, and who upon her Recommendation was preferred to the Archbishoprick of *Toledo*, having assisted *Charles* with his Ghostly Counsel in the last Minutes of his Life, was not many Months after confined to his Palace by the Inquisition in the Village of *Tordelaguna*, upon suspicion of his being a Protestant; from which place, after a Confinement of seven Years, he was removed to *Rome*, and committed to the Castle of *St. Angelo*, where he remained a close Prisoner ten Years, and was condemned at last as one suspected of Heresy. This Arch-bishop was reckon'd one of the most learned Divines of his time, and as such, was sent by *Charles* the 5th to the Council of *Trent*, where he both preached before that Synod, and writ a Treatise of the Personal Residence of Bishops and Pastors; he published likewise a Compendium of all the Councils, and a large Catechism in Spanish, which was printed in *Flanders*: of which Arch-bishop, and the three forementioned Martyrs, I think one may truly say, that they were Persons every way qualified to have reformed a corrupted Church after the best manner. But that God, after he had raised up such great Men, to have done so excellent a Work, should suffer a barbarous and inhuman Court thus to destroy both their Persons and all the Effects of their holy Labours, is a Mystery of Providence, whose Ways, tho' always righteous, are many times great Depths.

To these Evidences of *Charles* the 5th's having died a Protestant, I shall only add, that his Grandson *Charles* Prince of *Spain*, who had lived some time with him in his Monastery, was afterwards imprisoned by his Father *Philip*, and, as was generally believed, was put to death by him, as a Fa-
vourer

vourer of Protestants; and what *Mezeray* a Papist faith thereof in the Reign of *Francis* the Second, is remarkable.

“ At *Philip's* Arrival in *Spain*, he caused a great
 “ many to be burnt in his own Presence at *Sevil* and
 “ *Valladolid* of those they call *Lutherans*, both Men
 “ and Women, Gentlemen and Ecclesiasticks, as
 “ likewise the Effigies or Fantom of *Constantine*
 “ *Ponce*, Confessor to *Charles* the 5th: we must not
 “ wonder that he scrupled no more the defaming
 “ his Father's Memory, since if we will believe
 “ some, he would have made his Process too, and
 “ have burnt his Bones for the Crime of Heresy,
 “ nothing hindring him from it but this Consi-
 “ deration, That if his Father were an Heretick
 “ he had forfeited his Estates, and by consequence
 “ had no right to resign them to his Son.

Sandoval in his Life of *Charles* the 5th, takes great pains, by false Relations, to clear his Hero from this Suspicion, as by saying, that *Charles* when the Arch-bishop of *Toledo* came to him, would not, tho he had desired to see him, so much as speak to him. But as *Spondanus* well observes, there is little Credit to be given to what *Sandoval* writes of that Emperor, who under the Title of his Life, designed to write only an Encomium of him. And that it may not look strange, that the Bishop of *Arras*, who when he was Cardinal *Granvill*, was for his Bigotry for Popery, called in *Flanders* the Prince of Papists, should be so much a Friend to *Vargas*, who had writ his Mind so freely to him concerning the Corruptions of the Roman Church, and the Jugglings of the Popes and their Ministers, the Reader is to know that that Prelat chang'd his Temper as to the Affairs of Religion with his Master; he who was the chief Champion for Popery under *Philip* the 2^d, having, after these Let-

ters were writ to him, pushed on his old Master *Charles the 5th*, to invade the Papal Territories with a strong Army, in order to strip the Pope of all his Lands and Temporal Jurisdictions; which was accordingly attempted by the Duke of *Alva*, at that time Viceroy of *Naples*.

But to return to *Vargas*: When he was at *Trent*, he writ oftner than once to the Bishop of *Arras*, that there was no Business to be done there, the Legat being only the Executioner of the Orders that came from *Rome*; so that if there was any good to be done, which he much doubted of, it was to be done at that Court. *Philip the Second* accordingly, when the Council, after a Prorogation of 11 Years, came to meet again under *Pius the 4th*, sent *Vargas* his Ambassador to the Pope, with whom we are told he laboured hard to have asserted the Liberty and Authority of the Council, and to have had those Mischiefs remedied that he had formerly complained of at *Trent*. The Pope, saith Mr. *de'l Isle*, who was the French Ambassador at *Rome* at the same time, at an Audience I had of him, complained of a long Debate he had with the Ambassador *Vargas* about the words, *Proponentibus Legatis*, which *Vargas* would have had so altered, that the Bishops might not be deprived of the liberty of proposing what they had a mind to in the Synod; The Pope told me, saith *de'l Isle*, that he put him off at last by telling him, that he had something else to do than to dispute about what Case and Gender Words were of: Which was a pleasant way of putting an end to a Debate whereon the Authority of the Council so much depended. But the truth is, *Vargas* was a Person the Pope was too angry with to treat him civilly, as we are told by the same French Ambassador, who saith, *Mr. Vargas has a Mark set upon him at Rome on the account of the*
Dispatches

Dispatches that have been made by him both in Spain and at Trent, wherein he had complained of the Pope's having the Council in subjection to him, and had exhorted the Prelats thereof to assert their Liberties: With which, saith he, the Pope is much offended, and resents it highly against him.

The Count *Brocard*, who was sent by *Pius* to the Court of *Spain* upon extraordinary Business, was commanded at the end of his Instructions to solicit vehemently the calling home of *Vargas*, as a Person no ways acceptable to his Holiness: But when *Pius* found he could not get him to be recalled, he courted him to that degree, as to gain him at last, if *Pallavicino* may be believed, to write in defence of his Authority to the Spanish Bishops that were at the Council; but before he was brought to that, if he ever did it, we shall find him writing to the same Prelats, to do things which must have incensed the Pope more against him than all that he had ever said or done before.

For whereas the Spanish Bishops (who at the opening of the Council under *Pius* had all insisted on having the present Council declared to be a Continuation of the former, and to have in all its Acts the Title of *Ecclesiam Universalem representans* given to it, and on having the words *proponentibus Legatis* not used) were all, except the Pious and Learned Archbishop of *Granada*, grown slack in the prosecution of those Points; the Ambassador *Vargas* did thereupon write a long Letter to that Archbishop, who was his particular Friend, which was to be communicated to all the rest of his Brethren, wherein he earnestly exhorted
“ them to resume their former Zeal, and either to
“ carry those important Points, or to withdraw
“ from the Synod; or in case that should be thought
“ too much, to get the Determination of them at
“ least

“ least deferred until the Embassador should come
 “ to them; declaring every thing that had
 “ been done to the detriment of those Points, to
 “ be both of its own nature void, and never to
 “ have been enacted by any Lawful Authority.

When this Letter was writ, which was not many Months before the end of the Synod, *Vargas* was undoubtedly still of his old Principles for which the Pope was so angry with him; and accordingly *Pallavicino*, whose Resentments, right or wrong, are always the same with the Pope's, reflecting on that Letter, saith, Thus *Learning, when accompanied with a disturbed Mind, can betray People into such Errors, as they could never have fallen into had they been ignorant*: And having nothing else to object against *Vargas* and his Friend the Archbishop of *Granada* on this occasion, he accuseth the former of *not being so nobly descended as the Spanish Embassadors to the Court of Rome used to be*; and the latter of *not being so good a Gentleman as the Bishop of Salamanca, who was Brother to the Duke de Infantada*.

Pallavicino reflects likewise severely on *Vargas* upon the account of a Speech that was made by him before the Pope, concerning the Nature and Use of General and National Councils, at a Meeting of all the Embassadors, except the French, that were then in *Rome*, saying, “ As it commonly
 “ happens to an unseasonable Ostentation of Parts,
 “ so *Vargas* was rather laugh'd at as a vain Man
 “ for that Discourse, than praised for it as a Man
 “ of Learning. But as to what *Pallavicino* saith of *Vargas's* having in that Discourse inveighed stoutly against National Councils, I do not believe it, any farther than that he might reflect perhaps upon that which the French threatned to call about that time, and that for two Reasons; 1. Because this
 Speech

Speech was spoke by him sometime before the writing of the forementioned Letter, when it is certain he had not swerved from his old Principles contained in the following Letters; one whereof was, That if the Church was ever to be reformed, it must be done by *National* and not *General Councils*, from which, as they are now under the Government of the Pope, nothing but Mischief and the Establishment of Abuses was to be expected. 2. Because *Pallavicino* was angry with him for that Discourse, which, if an Invective against National Councils in general had been any part of it, he would never have been.

Hitherto we have heard nothing of *Vargas* but what was all of a piece, and tended to the asserting of the Liberty and Authority of the Council, in conformity with what is delivered by him in the following Letters. But as it is too common for People, who, by an extraordinary Dexterity in Business, have raised themselves to high Posts, to do things rather than be tumbled down from them, which they would have abominated the very thoughts of while they were in their low Stations; so this great Minister, finding after he had by his eminent Abilities raised himself to the most honourable Employment of the Crown of *Spain*, that by his noted and singular Zeal for the Authority of the Council, and particularly by his late Letter to the Bishop of *Granada*, he had drawn the whole Indignation of the *Vatican* on his Head, so that he must either tack about and do something to mollify the Pope, or venture to be crush'd by him, by bidding him an open Desiance; his Ambition, if *Pallavicino* may be believed, unhappily prevailing over his Integrity, he made a short turn, and of a Veteran Champion for the Council against the Pope, became a Champion for the Pope

Pope against the Council, or at least against the foundest part of it, and with which he had been so long united : of which sudden Change *Pallavicino* gives us the following Account.

The Spanish Prelats being resolved to have Bishops declared by the Council to be an Order of Men of Christ's immediate Institution, which is a Doctrine the Popes will dissolve an hundred Councils rather than give their Consent to ; *Pius* in order to prevent the Storm which the denial of that Point to the Spaniards would in all probability raise in the Synod, called a select Number of Cardinals, and among them the Embassador *Vargas*, to consult about the best way of diverting it. With which unusual Civility and Confidence of the Pope *Vargas* was so far overcome, that he was persuaded by him to write a Treatise in defence of his Authority. With which after he had read it, *Pius* was so well pleased, that not being content with *Vargas's* having writ the Heads thereof to *Trent*, he dispatched a Courier thither on purpose, the day after the Heads were sent thither, with the whole Treatise, expecting great matters from it in that Juncture : Which Treatise, tho *Pallavicino* saith it was afterwards printed, and the *Bibliotheca Hispanica* speaks likewise of a Treatise printed by *Francisco Vargas*, whose Title was *De Episcoporum Jurisdictione, & Pontificis Maximi*, I have never been able to compass the sight of, nor to meet with an account in any Book, nor from any Person, how those two Jurisdictions are stated in it ; wherefore all that I can say of it, is, that if to curry favour with the Pope, *Vargas* has therein made Bishops not to have their Authority immediately from Christ, then he flatly contradicts himself, having positively affirmed the contrary in several of the following Letters,

Palla-

Pallavicino, who is the only Writer I know of that takes notice of this great Change in *Vargas's* Principles, tells us farther, That when the putting an end to the Synod was fiercely opposed by the Count *de Luna*, the Spanish Ambassador at *Trent*, the Pope being much troubled at that Opposition, was assured by the Ambassador *Vargas* of that Count's having no Order from his Master for what he did; and that *Vargas* having writ a very earnest Letter to the Count about it, shewed a Copy of it to the Pope; who being extreamly pleased with it, dispatched it to his Legats, to choke the Count with it if he went on with his Opposition. Which Instance of *Vargas* having changed his Measures, whatever the former may be, we have great reason to believe is false, notwithstanding Father *Paul* agrees with *Pallavicino* as to the main of it: for besides that *Spondanus* writes positively, that *Vargas* upon the Count *de Luna's* having writ to him about that Business, did tell the Pope roundly, That the Council must not be dissolved, since all the World was for having it continued; and that being asked by the Pope what he meant by all the World? he answered, *Spain*; whereupon the Pope, in railery, advised him to buy *Ptolomy's* Geography, and to send it into *Spain*, to teach his Country-men that *Spain* was not all the World: I say, besides this, it is certain that *Philip* was so highly displeased with the Pope for having put an end to the Council so soon, that he had like to have broke with him upon it.

This is all I have been able to meet with in History relating to Dr. *Vargas*, the Writer of the 25 following Letters, and a Treatise about Councils.

But besides *Vargas's* 25 Letters, and other Papers, which are all Originals, I do here likewise publish three of *Don Francisco de Toledo's*, who was the Emperor's Embassador at the Council, and one of the Arch-Bishop of *Saor*, who in the printed Catalogues of the *Trent* Bishops, is called *Archiepiscopus Turitanus*; and three (together with a Memorial) of the Bishop of *Oren*, who is called in them *Episcopus Auriensis*; and one of the Bishop of *Astorga*; and three of the Bishop of *Pamplona*, and six of Father *Malvenda's*, who was both one of the Emperor's Ministers, and Divines at that Council: Which Letters are all Originals, and were all writ in Spanish at that time from *Trent* to the Bishop of *Arras*, and do all agree in affirming, That the Council had nothing of Liberty or Authority in it; and that there was nothing done at *Trent*, but what the Pope was pleased to order.

There are, besides these I have published, several other Letters of *Don Francisco de Toledo's*, writ with his own Hand, which is so wretched a Scrawl, that there is no reading of it; the three of his I publish being writ by another Hand, but signed by himself: As also several Letters of the Bishops of *Badajoz*, *Pamplona*, *Elna*, *Jubin*, *Segovia*, *Algueir*, *Arvorca*, all writ at the same time from *Trent* to the Bishop of *Arras*; and which, tho all Originals, and very legible, yet having nothing in them relating to the Council, or any other Publick Affairs, I did not think it necessary to trouble the World with them.

Now as I do reckon that it will be no easy matter for any one, after his having read the following Letters and Papers, to judg the Conventions which were at *Trent* under *Paul* the 3d, and *Julius* the 3d, to have been Assemblies that had nothing

thing of *Liberty* in them: So to satisfy the Reader that it was the same with the Convention which was held at the same Place under *Pius* the 4th, I have added a Letter of Monsieur *Lansac*, who was at that time Embassador to the Council from the Crown of *France*; and one of Monsieur *Xainctes*, a Doctor of *Sorbon*, who assisted at it as a Divine, which are both printed in French, in the Instructions and Missives, &c.

To conclude: tho the Doctrine of the Synods of *Constance* and *Basil*, of a General Council's being superiour to the Pope, has never as yet been condemned by any Roman Council that pretended to be Universal, yet through that Doctrine's being discouraged at *Rome*, the great Fountain of Pre-ferment, as a thing favouring of *Heresy*, as also through the Power the Popes were suffered to exercise in the Synods of *Florence*, the *Lateran*, and this of *Trent*, such Assemblies are no less in Bondage to the Pope, than they could have been, had all Councils owned him to be their Absolute Lord and Master. Of which the Court of the General Inquisition at *Rome* was so sensible, that in a Decree published by it, in a Congregation held before the Pope in the Year 1659, it declared, That the deciding of Controversies of Faith or Manners of the Universal Church, belonged *ONLY* to the Judgment of the See of *Rome*, not fearing ever to be questioned for such high Prerogative Doctrine by any future General Council.

It is now time to bring an Introduction, that has grown already perhaps too long, by reason of the variety of the Matter that I thought fit to bring within it, tho as short as I could, to a Conclusion. But before I end it, I know it may be expected that I should give an Account of the Letters and Papers that I do now publish in a Translation.

They

They are all Originals, the Seals of most remain ; the Subscriptions and Directions shew it, beyond the possibility of Contradiction. They are writ in Spanish, most of them fair enough to be read, tho some are very hard to be read. They were put in my Hands by that most Eminent Divine Dr. *Stillington*, now the most worthy Bishop of *Worcester* ; who upon my return from *Portugal*, finding that I had made my self well acquainted with the Spanish Tongue, having staid many Years there, desired me to be at the pains to translate them. I soon found what a valuable Treasure I had in my Hands, and therefore asked him by what Conveyance they came into his Hands. He told me they were communicated to him by the Right Honourable Sir *William Trumbull*, one of his Majesty's Principal Secretaries of State, to whom they had descended among his Grandfather's Papers, who had been Envoy in the Reign of King *James* the First at *Brussels* for 15 Years, where he had got those Letters. It is probable he had them from the Posterity of some of Card. *Granvill's* Secretaries, to whom he had trusted the keeping of them, and with whom he had left them when he withdrew from the *Netherlands*. It seems he bought them from them, but under absolute Engagements not to publish them during their Lives. He himself was a most zealous Protestant, which he has derived to all that have descended from him ; and he came into *England* from his Foreign Employment, about the time that Father *Pau's* History of the Council of *Trent* was first printed in *London*. That was the most proper time for publishing these Letters, and must have established the Credit of the Celebrated History, beyond all Attempts to detract from it. There is no Memorial
left

left in his Family of the Reasons why he did not then publish them: yet since I understand from one, on whom I can well depend, who has read the Register of all his Letters during his Ministry, that he was full of hearty Zeal for the Protestant Religion, which appears in every Letter, and in all the Advertisements and Advices offered by him, there must have been some very important Reason that restrained a Man so full of Zeal for that Cause, from publishing these Papers in the properest and fittest time in which ever they could have appeared. It may be supposed, that whosoever gave them to that worthy Minister, took great care to have it concealed: For the putting such things in the Hands of one whom the Court at *Brussels* esteemed a Heretick, and which must have given such a Wound to an Interest to which those Princes were so much devoted, must have past for an impardonable Crime; and in a severe Government this must have ruined those who were suspected of having done it. And since it might have been possible to have traced back a thing that was but threescore Years past, it might have been found out who could have had these Papers in their keeping, and by consequence have given them to the Envoy of *England*. It is therefore reasonable to believe, that whosoever delivered those to him, had a Promise of absolute Secrecy during their Lives: And this seems to be the Reason why so zealous a Man used so great a Reserve in so important a Matter. Since that time the want of practice in *Castilian* has made them less read; and there are so few of the mechanical People of this Nation who understand that Language, that I had no encouragement to print them in their Original Language. I neither could fall on one to copy them, nor hear of a Printer who

could compose, or a Corrector of the Press to whom I could trust that piece of necessary Labour. Therefore tho I know it is a preposterous thing to publish a Translation before the Originals themselves are printed; yet since a Spanish Book could have no great vent in this Kingdom, and I could not contrive a way how to make the correct printing it practicable, I do now publish these, not doubting but they will be speedily printed beyond Sea in their Original Language: for I have, according to the Order I received from that most Learned Prelat from whom I had them, returned them back to the Noble Owner of them, who will no doubt preserve them with care, and shew them to such curious Persons as may desire to see them; and who I hear is putting the publishing them, as well as the translating them, into another Language, into a very good Method, as well as unto good Hands; which is sutable to the great Zeal he expresses for the promoting of Learning, in which he is such a Master, as well as a Patron, and to his Affection to the Protestant Religion, of which he has given so many eminent Instances.

The

*The CONTENTS of Dr. Vargas's
LETTERS to the Bishop of Arras,
and other Papers.*

Of his Letter, and Note of the 7th
of October 1551.

THE Legat behaves himself like a Man distracted; he threatens to leave Trent; accuseth the Emperor of not being so good as his Word; yields at last to the Suspension of some Doctrines. The Pope and his Ministers abhor and dread nothing so much, as the coming of the Protestants to the Council: They seek to abuse the World, by pretending they would gladly have the Protestants come, when at the same time they are contriving all the Ways they can to hinder them. The Embassadors of the King of the Romans voted, that the Cup in the Sacrament belonged to the People by Divine Right. The Cardinal of Trent voted, that it ought to be allowed to the Germans. The Council enjoys no manner of Liberty. An Answer is return'd to the French King's Protestation. The Legat stopp'd the Ambassador's Mouth, when he was urging him to give way to a Reformation; with mention of a Letter, wherein the Emperor had promised the Pope, before the Council met, that nothing should be done in it, but what his Holiness would have done. Vargas inter-

pretends the Promise so as to make it no Bar to the Emperor's endeavouring to procure a Reformation. The Liberty the Pope takes is such, that it could properly be called nothing, but a Sickness of the Mind, or a Fury.

Page 1, 8.

Of his Letter of the 12th of October.

A Session had been celebrated with great solemnity. The Answer to the French Protestation, and the Powers of the Envoys of the Elector of Brandenburg were read therein. The Article sub utraque was suspended. The Envoys of Brandenburg made a pious and learned Speech, and submitted themselves to the Council. The Legat endeavours to hinder the Protestants from coming to the Council, by refusing them a safe Condukt. The Bishops are never acquainted by the Legat with any thing, till it is ready to be pronounced. Things are pass'd hand over head. The Bishops made the Pope's Tools to confirm his Pretensions, in a Clause in the Answer to the French Protestation; and not being aware of it, condemned all the French and Spanish Pragmaticks. The Canons of Reformation were so trivial, that they deserved to be laughed at. Vargas despairs of the Council's doing any Good to the Church. 11

Of his Letter of the 13th of October.

The Legat is continually starting new Difficulties. 10

Of his Letter of the 28th of October.

The Divines are employ'd in Disputing. The Protestants are on their way to Trent. The Legat declares, that a Reformation was not for the Council to dwell on; and that after the next Session it should meddle

meddle with nothing of that nature. Things are handled so in the Council, that it is not to be expected that either Protestants or Roman Catholicks should be satisfy'd with any thing it does. Nothing is done but what the Pope orders; which is so visible, that the Protestants cannot but be hardened by it. The Pope presuming on the Emperor's Friendship, acts unaccountably in the Council. The Legat pumps a Memorial out of the Bishops, and sendeth it to Rome. Vargas much discontented to see things so carried.

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Of his Letter of the 12th of November.

No hopes of any Reformation. The Bishops are acquainted with nothing, nor know not what they vote for. The Council will produce nothing but Scorn and Confusion. The Pope and his Ministers will let all go to wreck, rather than reform Abuses. No good to be done at Trent without a Miracle: The Church will be thrown into a worse Condition by the Council than she was in before. The Protestants, if they come to the Council, will be hardened in their Opinions, by what they will see done there.

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Of his Letter of the 26th of November.

The Legat's Behaviour is astonishing; he presumes on the Emperor's Friendship, and on his Ministers acting so timorously; he treats the Bishops like so many Slaves. No less than a Miracle can do any good thing in the Council. The Emperor tires himself in vain in negotiating with the Pope and his Ministers. The Bishops are displeased with the Legat's exorbitant Proceedings. Nothing to be expected from the Council, but what would prejudice the Church, and advance the Court of Rome. The

Legat endeavours by a Trick to settle the Business of Benefices, in case they shall be lodged in the Bishops. Care must be taken that the Good of the People, and not only the Profit of the Bishops may be considered in the collation of them. Vargas is against having any thing handled in the Council, where the Legat does what he will, and the Pope has any Interest. Nothing but Mischief can be expected from General Councils, while they are thus under Bondage. If ever the Church is reformed, it must be done by National Councils. The Legat to prevent the Churches being ever reformed, is for having it declared Unlawful for National Councils to meet without the Pope's Consent, and Legats in them. No hopes of any Remedy from the Council. The Pope in great haste to have the Council suspended. A Copy of the Decrees of Doctrine not to be had. The Decrees sent to Rome before they were published, upon the Divines having contradicted some Doctrines in them.

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Of his other Letter of the same date.

The Decrees of Doctrines not settled till the Eve of the Session. The Bishops gave their Placets to them, without understanding them. The Divines of Lovain and Cologne contradict some of the Doctrines that had been decreed in a hurry: If this should come to be known, it must ruin the Authority of the Council for ever. The Pope and his Ministers deserve to go to the Bottom for giving such Offences; and others to go with them for suffering such things. The Legat's Design in putting off Doctrines thus to the Eve of the Session, was that he might the better shuffle the Pope's Pretensions into them without being observed. The Council enjoys no Liberty. The Legat seeks to establish the use of Commendas; he

hector'd the Bishop of Verdun, for calling the Reformation they were about, a pretended Reformation. The Electors much displeased with the Legat's Behaviour. A sad Complaint of the Pope and his Ministers, for handling things appertaining to God as they do, and of no bodies having the Courage to oppose them. Nothing will be done at Trent, but the confirming of Abuses instead of reforming them. The Legat's whole study is, to promote the Profits of the Court of Rome. Pag. 47

Of his Letter and Note of the 28th
of November 1551.

The Legat extreemly disordered by the Divines having contradicted some of the Doctrines that had been decreed; which was the Reason why no body could have a Copy of those Decrees: he endeavours to satisfy the Divines. Vargas wishes the Confusion the Pope and his Ministers are in on this occasion, may open their Eyes; but does not expect it should, because nothing can do it but a Miracle. The Legat begins to wheedle the Divines; promises they shall be consulted with for the future before any Doctrines shall pass; he reports that Affairs do not go well with the Emperor in Germany, and is glad of it. Upon enquiry it is found, that the Doctrines that had been decreed, were altered, as being erroneous. The Electors are much scandalized at this. This Error, nor nothing else but a Miracle can convert the Pope and his Ministers. The Electors of Mentz and Triers are affrighted by Stories the Legat buzzes in to their Heads. 52, 55

Of his Letter of the 7th of December.

The Legat is still starting new Difficulties to hinder the Protestants coming to the Council; he denies to admit them, unless they will first submit themselves to the Council. Vargas contradicts him therein. P. 58

Of his Letter of the 18th of December.

The Electors of Mentz and Triers seem resolved to leave the Council: The Legat is glad of it, that he may have a Pretence to suspend the Council. 62

Of his Letter of the 24th of December.

Vargas is surfeited with the Business of the Council. The Electors will expect the Emperor's Answer before they leave Trent. He promises to write his Thoughts concerning the Suspension of the Council, by the next Opportunity. 63

Of his Letter of the 29th of December.

The Council no sooner met, than the Pope and his Ministers were contriving either to dissolve or suspend it; they were most for a Suspension, for the following Reasons: 1. That they might still abuse the World with vain hopes of their intending to do something. 2. That they might gratify the French King. 3. Because they could throw the Blame thereof with more ease upon the Emperor. 4. Because they should thereby hinder the Protestants from coming, which they much dreaded. Should the Protestants come to the Council, it will become infamous to all the World, if the Legat takes not other Courses. 5. They hoped that if the Council were but once suspended, it would be hindered

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dered by some Accident or other from ever meeting again. Lastly, They feared that the Council, if there should happen a Vacancy in the Roman See whilst it was sitting, would interest it self in the Election of the Pope. Vargas gives several Arguments against both the Suspension and Dissolution of the Council, provided it may not be suffered to canonize Abuses. No Reformation is to be expected from a General Council, nor by any other ways but by a Miracle, or by making a Schism. No hopes of the Council's taking new Measures. Pag. 65

Of his Letter of the 1st of January 1552.

The Electors seem still resolved to go Home; the Legat is glad of it. Nothing talk'd of but the Suspension of the Council. 77

Of his Letter of the 2d of January.

The Bishop of Venosa is recommended to a Bishoprick in Spain. His honest Character. 79

Of his Letter of the 9th of January.

The Ambassador solicits the Legat for a safe Conduct for the Protestants. The Legat sends the Emperor's Memorial to Rome. Nothing done in the Council but by the Pope's Order. The Legat's Heart much set on suspending the Council; and labours to shut a Door for ever against Reformation. 80

Of his Letter of the 10th of January.

Duke Maurice's Ambassadors spake with great freedom. The Legat is angry with the safe Conduct that was offered by Vargas; he will die sooner than give

give way to any Reformation. The Pope and his Ministers dread the coming of the Protestants, and wish the Disturbances in Germany may be increased. The Legat pretends that the Emperor is content to have the Provision to Benefices settled, as he would have it done; which is false. Vargas would have the Church rather endure its present Grievances patiently, than by seeking to have them redressed in the Council, to shut a Door for ever against Reformation. The Legat still keeps the Bishops in Ignorance, who are acquainted with nothing till it is ready to be decreed.

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Of his Letter of the 13th of January.

The Legat does all he can to send away the Protestants that are at Trent, and to hinder the rest from coming: He will not suffer the Council to make use of its own Seal but when he pleases; his keeping the Seal of the Council is not to be endured: He is zealous for carrying some pernicious Clauses he had foisted into the Doctrine of Order, and is for lodging all Benefices in the Pope.

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Of his Letter of the 19th of January.

The Legat is obstinately resolved to avoid having any Congress with the Protestants: He labours to divert it, by either raising some Disturbance in the Council, or by suspending it. Vargas knowing the Legat would throw the Blame of all his own Misconducts upon the Emperor, desires he may be defeated, by having publick Instruments taken of what shall happen of that kind. The Legat had foisted several pernicious Clauses into the Doctrine of Order, which were first observed by Vargas. The Legat was driving at things which would make all the World

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World tremble, and himself too, were he not given over to a reprobate Sense.

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Of his Letter of the 20th of January.

The Legat declares he will treat no more of a Reformation: He is for having the suspended Doctrines determined, or (which will be much the same) resolved into Canons: He labours to get all the Pope's Pretensions established: Instead of remedying, he seeks to ruin things; he had added a Clause that determined the Pope superiour to a Council, and another that made Bishops derive their Authority immediately from the Pope, and not from Christ: He call'd the Bishop of Oren, Heretick, only for saying he was doubtful of those Points. These Designs of the Legat's first discovered by Vargas, the Bishop of Cologn declares, that the Legat would destroy the Papacy by seeking to advance it by such means. Several of the Deputies being sensible that the Council enjoy'd no Liberty, seem'd resolved not to go any more to the Congregations.

100

Of his Letter of the 25th of January.

The Legat at last grants a safe Conduct, but not the same with that of Basil. The Envoys of Wittemburgh present their Powers, with a Confession of their Faith, and several Heads of Reformation. The Legat put into a Rage thereby. Nothing done at Trent but what the Pope orders. The Legat bestows the Bishops that have the courage to contradict him in any thing: He called the Bishop of Oren, an Heretick. The Council must end in a Tragedy. The Legat has ill Designs.

90

Of

Of his Letter of the 28th of January.

Vargas acquaints the Bishop of Arras with his coming to Court in a day or two, to give the Emperor a full information of things.

Pag. 108

Of his Letter of the 26th of February.

Vargas returns from Insburg to Trent. The Embassadors are satisfy'd with the Dispatch he brought. He makes the Prelats sensible of the Bishop of Arras's Kindness to them. The Cardinal of Trent in a great passion, but softned by Vargas. The Bishop of Ampudia commended. The Legat is jealous of Vargas.

109

Of his other Letter of the same date.

The Legat gives out that the Emperor was for having the Council suspended, which was false; he is close plied by Vargas; he opposes a Reformation, and pretends the Italian Bishops will not be perswaded to stay at Trent much longer.

112

Of his Letter of the 28th of February.

The Spanish Bishops begin to mutiny, and send Deputies to the Ambassador, to complain of the Legat's not acquainting them with any Business, and of the Council's enjoying no Liberty. The Deputies are hindred by the Ambassador and Vargas from going to the Legat, for fear of raising a Storm, who was himself at the bottom of this Mutiny. The Pope is angry with Vargas for what he had said and done at Trent, who values not his displeasure.

117

Of

Of his Letter of the last of *February*.

The Legat gets some of the Prelats over to his side, and endeavours to dissolve the Council. The Spanish Prelats continue their Juntos, and are for a Reformation. The Legat was never without Powers to suspend the Council. The Pope and his Ministers are apprehensive the Spaniards will join with the Protestants to procure a Reformation.

Pag. 121

Directions concerning the Government of a Council, and the Office of an Embassador.

The present Council differed from the Antient General Councils almost in every thing; which were all called by the Emperors, and enjoy'd an entire Liberty, having all the Ecclesiastical Legislative Power lodged in them; the Pope had only an honorary Presidency in them, his Presence at them being not judged necessary. The very Being of a General Council consists in enjoying an entire Liberty. General Councils are upon expiring, if not already expired. No Footsteps of any of the Essentials of a General Council appeared in that of Trent, especially not those of Liberty and Authority: Nothing could be proposed in it but by the Legat; nothing was done in it but what was ordered at Rome; the Pope's Pensionaries themselves could not deny but the Council was in Bondage. The Legat would have the Trent Synod governed after the Pattern of the Lateran under Leo the 10th, and would not suffer it to have the Title of Ecclesiam Universalem repræsentans, but instead thereof had added Proponentibus Legatis, which was a new thing; he added likewise to the

the *Canons* the words, *Salva semper in omnibus Sedis Apostolicæ Autoritate.*

The Legat, out of an ill Design, erects three Classes to meet in different Places at the same time, and makes the Bishops vote so as is most for his Purpose: He votes himself very irregularly; he hectors and exposes the Bishops that vote not as he would have them. Vargas wonders with what Face or Conscience the Legat could use the words, *Dicant Patres libere.* Matters of Doctrine were determined without a due discussion. Diego de Mendoza, the Emperor's Ambassador, upon the Doctrine of Justification having been published in a hurry, desires the Legats to consult some of the most famous Universities about Doctrines before they determined them; which the Legats would not consent to. He also complained that the Council enjoy'd no Liberty, and threatned the Legats with more German and Spanish Bishops. The Legats, after the Decrees concerning Original Sin had passed, read the Pope's Brief to confirm them. Nothing done in the Council, but what was ordered at Rome. The Legats having pump'd the Bishops, dispatched their Pretensions to Rome. They seek to confirm Abuses instead of reforming them. The World would have reason to thank the Legats, if they did not do all possible Mischief to the Church, since they did what they would at Trent. They were always sure of the major Vote, by reason of their great number of Pensionaries. All the Officers of the Council were the Pope's Creatures, and had been named by him. Vargas fears the Trent Council will, instead of doing any Good, do a great deal of Mischief, and thinks it would be better to wait God's leisure for reforming the Church, than to have a Council meet; which, as the Pope had ordered things, were able to do nothing towards it. The Trent Council

Council had no effect, but to mortify Roman Catholics, and to make sport for Protestants, and to destroy the Authority of all future General Councils. Julius's Design in sending but one Legat and two Presidents to Trent, was to make his Authority the more Monarchical.

The Emperor is bound, as the Protector of the Church, to see that the Council enjoy an entire Liberty: His Embassadors at the Council are to see that the Bishops do not vote rashly, and that there be but one Classis. The Embassadors must be present at all the Assemblies. It is well if among a hundred Bishops, there are twenty that understand any thing of Divinity. The most famous Universities ought to be consulted about Doctrines that are to be determined. Votes ought to be weighed rather than numbred. The Embassadors must not suffer Doctrines which are præter Fidem, to be determined. The Council being wholly at Rome, and only the execution of it at Trent, the Emperor's Embassadors at those two Places must hold a constant Correspondence. Since the Pope's Legats have always a Brief in their Pockets to suspend or translate the Council, whenever they shall judge it convenient, the Embassadors ought likewise to have their Instructions what to do in such a case.

Pag. 127, 149

Dr. Malvenda's Letters to the Bishop of Arras.

His Letter of the 12th of October 1551.

The Legat precipitates Matters strangely; he puts off the Discussion of the Doctrines to the last Day, that there

there may be no time for treating about Reformation; he is absolute in the Council. Whatever the Pope would have done at Trent relating to Reformation, must be signify'd to others besides the Legat. It is convenient, for the Honour of the Council, that the Legat should not receive his Orders so publickly from Rome. The Legat dreads the coming of the Protestants.

Pag. 157

His Letter of the 8th of November.

Some Account of the Bishops assembling, &c. 164

His Letter of the 22d of November.

He fears the Council will do more Harm than Good. The Divines are not consulted. Nothing of Majesty in the Decrees of the Council. A high Character of Vargas. He is unwilling to believe that the Legat has Orders from Rome to do such shameful things.

166

His Letter of the 19th of December.

The Electors of Triers and Mentz seem resolved to leave the Council.

169

His Letter of the 16th of January 1552.

The Envoys of Wittemburgh and Strasburgh ought to be gratified. The Legat starts Difficulties in every thing. Don Francisco commended for caressing the Envoys of Duke Maurice.

170

His Letter of the 27th of January.

Several great Points of Reformation had been proposed by the Envoys of Wittemburgh. The Bishops not being

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being allowed to propose any thing of that nature, desire to have leave to speak to all those Heads particularly. The Legat had foisted Clauses into the Doctrine of Order, which would make the Pope superior to a General Council.

Pag. 172

His Letter of the 26th of February.

The Dispatch that was brought by Vargas was extremely well ordered. The Legat will do all he can to defeat it: He expects the Pope's Answer. It is madness to think that there can be any Alteration made at Trent, in the Resolutions which come from Rome. He wishes the Pope's Ministers a better Mind than they had hitherto discovered.

178

Don Francisco de Toledo's Letter of the 1st of Decemb. 1551. to the Bishop of Arras.

The Legat puts off all Business to the Eve of the Session. A high Character of the Fiscal Vargas. The Divines speak according to their Seniority.

180

His Letter of the 20th of December.

The Bishop of Arras is no stranger to the Legat's Methods. The Electors are dissatisfied with themselves for having come to Trent, and are in haste to leave it. The Pope will not be sorry for their going home.

183

His Letter of the 7th of February.

The Bishop of Vienna dies at Trent. The Legat is much indisposed: The Cause of his Illness, was the

News he had from Rome of the Pope's making use of some of the new Cardinals.

Pag. 184

The Bishop of Oren's Letters to the Bishop of Arras.

His Letter of the 12th of October 1551.

The Embassadors of the King of the Romans voted, that the People had a Divine Right to the Cup in the Sacrament. No Zeal for a Reformation in the Pope's Ministers. They had told the Prelats that they must be content with what they should be pleased to allow them, and not ask for more. Such as touch upon a Reformation, are heard with a very ill Grace.

186

His Letter of November 28. and Memorial.

The Matter of Benefices turn'd to a Reformation. The Legat was for establishing Commendas; he abuses the Bishop of Verdun for stiling the Reformation they were about, a pretended one, and will not suffer him to speak for himself. The Elector of Cologn is much scandalized thereat: He asks Oren thereupon, whether he thought the Council enjoy'd any Freedom? The same Elector complained afterwards of the Council's enjoying so little Liberty, and of nothing being done towards a Reformation; and of the Divines being so much slighted. Oren fears there may be some Disturbance in the Council, if the Legat does not change his Methods. Nothing done for the Benefit of the People. The Bishops will be blamed for not having reformed things, and for having done nothing for the People, tho it be none of

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of their fault ; and will have reason to fear they may
be stoned when they return home. Pag. 189, 191

His Letter of the 20th of January 1552.

He justifies himself against his Majesty's Letter, which
blam'd him for his absence from the Council. The
Embassador charg'd with being the Cause of it,
whose Leave he had for being absent. He com-
plains of the Bishop of Arras, for having consented
to his being affronted. The Embassador is uncivil
to the Prelats. 234

His Letter of the 24th of January.

The Embassadors of Maurice and Wittemburg pro-
posed several good Heads of Reformation. The Bi-
shop of Oren is for answering particularly to
them. 195

The Archbishop of Sazer's Letter of the 2d of
December 1551, to the Bishop of Arras.

He is willing to serve God and his Majesty in the Coun-
cil ; but tho he takes a great deal of Pains, is able to
do nothing towards it. 197

The Bishop of Astorga's Letter of the 26th of
November 1551, to the Bishop of Arras.

A Session was held, wherein several Decrees were pas-
sed against some new Errors. Other Decrees re-
lating to Reformation were pronounced. Decrees a-
gainst Heresies will signify little, if the Abuses occa-
sioning them be not redrest. 198

*The Bishop of Pamplona's Letters to
the Bishop of Arras.*

His Letter of the 29th of January 1552.

He desires the Bishop of Arras's Favour, to be exempted from the Subsidy granted by the Pope to the King of Spain; and why. Also concerning his paying 400 Ducats for keeping a Pension. Pag.200

His Letter of the 20th of February.

He writes about a Dignity in the Church of Pamplona, that ought to be conferr'd only upon a Canon. He is inform'd that it is to be sold at Rome to him that will give most; but desires his Majesty and the Bishop to prevent it. He desires to be made Captain of a Band of Pensioners, in order to discharge the Subsidy. He thanks him for several Favours.

202

His Letter of the 27th of February.

He desires the Bishop to write on his behalf to the Legat, to prevent his being wrong'd, which in the time of a Council would be a Deformation rather than a Reformation. The Pope has no right to dispose of Preferments in Navarre. He desires the Bishop's Favour against the French Licentiate, who abuses the Royal Authority. Vargas brought word of his Majesty's being against proroguing the Council. 206

Mr.

Mr. Lanſſac's Letter of the 7th of June 1562,
to the Queen Mother.

The Pope promiſed to leave every thing to the Council, but is not ſo good as his word; nothing done in it but by his Order: His Penſioners and Officers make a great Majority in the Council, who are reſolved never to yield to any Reformation. The Articles of Reformation deferr'd, and why. Pag 208, 210

Dr. Xainctes's Letter of the 15th of June 1563,
to Dr. D'Eſpence.

It is enough to kill an honeſt Man, to ſee what Courſes are taken in the Council to hinder a Reformation. The French are laugh't at by the Pope's Creatures in the Council for their Sincerity. The Spaniſh Prelats are zealous to have it declared, that Biſhops derive their Authority immediately from Chriſt: The Papalins will not endure ſuch a Declaration. A Paſſage of Juſtinian with relation to the Council. 210

The Bp of Arras's Letters to Dr. Vargas.

His firſt Letter.

He commends the Doctör's prudent Conduſt, and thanks him for the Light he helps him to as to the Affairs of the Council: He deſires their Correſpondence

g 3

dence may be so managed, as not to give Offence to the Embassadors.

p.212

His second Letter.

He magnifies the Doctor's Abilities and Service, and promiseth to return an Answer to all the Points mentioned in the Doctor's Letters.

213

His 3d Letter of the 19th of January.

He commends the Doctor's great Vigilance; he thanks him for the true and exact Information he gave him of Affairs, and promiseth to serve him with the Emperor.

ibid.

His 4th Letter of the 9th of Novemb. 1551.

He excuses his not sending Answers sometimes. The Legat buddles things strangely. His Comfort, when things go ill, is, that all is in the Hands of God. He blames the Protestants. He solicits the Pope's Nuncio and Legat to yield to some necessary things. Their Correspondence is carried on privately. He would have all Worthy Men considered for their Service.

214

His 5th Letter of the 5th of March 1552.

He despairs of the Protestants going to the Council. The Papists being sensible that the Pope and his Ministers would never yield to any thing of a Reformation, are as much as the Protestants for having the Council suspended. It is to no purpose for the Emperor to embroil himself with the Pope, by urging him to give way to a Reformation, since no Fruit can be expected from such Endeavours. The Pope,

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Pope, if urged to that, will either suspend or translate the Council, to the great prejudice of the Authority of such Assemblies. His Majesty will write to his Embassadors concerning the Germans Pretensions. He recommends Secrecy as to all things relating to the Council.

Pag. 218

His sixth Letter.

He promises to return an Answer to all the Doctor's Letters, and to do him all the Service he is able.

220

His first Letter to Dr. Malvenda, of the 16th of February 1552.

He magnifies Vargas as an extraordinary Minister, by whom he understood the Merits of Malvenda, and the Bishop of Castellamar. The Spanish Prelats are without a Physician.

221

His second Letter.

He complains of the Obstinacy of the Pope's Ministers, and of the Legats precipitating things so, that it was not possible they could be duly discussed. He was glad to hear that he had signalized himself. The safe Conduct very defective.

222

His first Letter to the Bishop of Oren, of the 1st of February 1552.

His Majesty is very much vex'd at the Absence of some Bishops from the Council. His Embassador uncivil to the Prelats. He commends the Bishop of Oren for his Zeal in Business.

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His

His second Letter of the 9th of
November 1551.

*He complains of their being forc'd in many things to
comply with the Pope's Ministers; and that to desire
a Reformation of the Abuses of the Court of Rome,
was to knock all Business on the head at once.* Pag. 228

His third Letter.

*Tho he uses all diligence in what is for the Service of
God, yet the Iniquity of the Times is so great, that
what is convenient cannot be done.* 230

His Letter to the Bishop of Pamplona.

*He promises to answer his Desires concerning several
Affairs, with all good will.* 231

His Letter to the Archbishop of Sazer.

*He praises him for his Diligence in the Affairs of the
Council, and wishes him a sutable Reward.* 232

His Letter to Don Francisco de Toledo, of the
6th of March 1552.

*He remits himself to a Letter he had writ before, and
wishes him all Happiness.* 233

Tractatus

Tractatus a Doctore Varga conscriptus contra hanc Clausulam perniciosam a Legato in Doctrinam Ordinis intrusam, editus è Manuscripto ; scil.

Nam ut illa sub uno supremo rectore varios & diversos ministrantium continet ordines, ita visibilis Christi Ecclesia summum ipsius vicarium, pro unico & supremo capite in terris habet, cujus dispensatione sic reliquis omnibus membris officia distribuuntur, ut suis quæque in ordinibus & stationibus collocata munera sua, in totius Ecclesiæ utilitatem, cum maxima pace & unione, exequantur.

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Tractatus alter ejusdem Vargæ contra eandem Clausulam, editus è Manuscripto.

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The following Letters are all addressed
thus ;

*To the most Illustrious and Re-
verend Lord, the Bishop of
ARRAS, of his Majesty's
Council of State.*

The Cesarean Court.

*The Names of the Persons mentioned
in the following Letters.*

THE Pope *Julius* the Third.

The Emperor *Charles* the Fifth.

The French King *Henry* the Second.

The King of the Romans, *Ferdinand* Brother to
the Emperor.

The King of *Bohemia*, *Maximilian* the Son of
Ferdinand.

The Bishop of *Arras*, *Antonius Perenottus*, who was
afterwards Cardinal *Granvil*.

The Legat, *Marcellus Crescentius*, a Cardinal.

The Presidents, *Sebastianus Pighinus* Archbishop of
Siponto, and *Aloysius Lypomanus* Bishop of *Ve-
rona*.

The

Persons mention'd in the Letters. 107

The Cardinal of *Trent*, *Ludovicus Madrucus*; the Cardinal of *Jaen*, *Petrus Paciecus*.

The Emperor's Embassadors, the Count of *Monfort* for *Germany*, *Don Francisco de Toledo* for *Spain*, and *Gulielmus a Pitavia* for *Flanders*.

The Elector of *Mentz*, *Sebastianus ab Hausenstain*; the Elector of *Triers*, the Count *Eysenburg*; the Elector of *Cologne*, *Adolphus de Schawenburg*.

The King of the Romans Embassadors, *Fredricus Nasau* Bishop of *Vienna*, and *Paul de Gregorianis* Bishop of *Agram*.

The Envoys of Duke *Maurice*, *Wolffius Colerus*, and *Leonardus Badebornus*.

The Envoys of the Duke of *Wittenburgh*, *Johannes Pleniagorus*, and *Johannes Eclin*.

The Envoys of *Strasburgh*, *Johannes Sleidan*, &c.

The Archbishop of *Sazer*, *Salvator Alexius*; the Bishop of *Pamplona*, *Alvarez Moscoso*; the Bishop of *Guadix*, *Martinus Ayala*; the Archbishop of *Granada*, *Petrus Guerrero*; the Bishop of *Venosa*, *Alvarez a Quadra*; Bishop *Jubin*, *John Jubin* a Franciscan Friar; the Bishop of *Verdun*, *Nicolaus Psalme*.

The Dutch Divines, *Johannes Groperus*, *Ruardus Tapperus*, *Ambrosius Pelargus*, &c.

E R R A T A.

PAge 14. line 7. read *there is*. P. 16. l. ult. dele *together*.
P. 37. l. 5. put *comma* after *it*. P. 38. l. 25. r. *punished*
by. P. 42. l. 4. no new Paragraph. P. 57. l. 17. dele *comma*
after *Divines*. P. 64. l. 19. r. *Inconveniencies*. From P. 127, to
147. over all the odd Pages, for *Office of an Ambassador*, r. *Go-*
vernment of a Council. P. 135. l. 14. put ; after *expiring*.
P. 147. l. 24. put a *Period* after *Councils*. P. 152. l. 23. dele
that. P. 154. l. 31. put *comma* after *pleaseth*. P. 178. l. 26.
r. *Sheep*. P. 181. l. antepen. for *if* r. *of*. P. 197. Run. Tit. r.
Letter. P. 205. at bottom, r. *There follows*. P. 211. l. antepen.
r. *ceperat*. P. 219. l. 27. put the *comma* after *which*. P. 237.
l. 3. r. *intrusam, editus*. P. 239. l. 19. put ; after *destructio-*
nem. P. 242. l. 8. r. *quisquam in*. P. 246. l. 16. r. *provinciis,*
Episcopos.

NB. Dr. *Vargas's* Letter beginning P. 90. should have been
put in before P. 108. And the Bp of *Oren's* Letter at P. 234.
should have been plac'd after P. 194.

T H E
Council of *TRENT*

Plainly discover'd

Not to have been a *Free Assembly*.

Dr. Vargas's Letter of the 7th of October, 1551, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

I Write this, knowing how desirous your Lordship is to be acquainted with all that is done here, and that I may have the less to write hereafter.

Having receiv'd his Majesty's and your Lordship's Dispatches, which, coming thorough your Lordship's hands, were as full and well order'd as we could have wish'd them, I went immediately to speak with the Legate. The Conclusion we came to, and which was pass'd yesterday in the General Congregation (for such I suppose it will be pronounced to have been at the Session) was, that the Article, *sub utraque*, with all its dependencies, should be suspended until the second Session after this that is now to be celebrated; the First being to be held after forty Days, and the Second on the 25th of *Janua-*

ry; neither was it an easie thing for to obtain those few Days. It would ask much time, to relate all that has pass'd in this Affair, and the difficulties that were started about it. The Legate was like a distracted man, and being transported beyond all the bounds of negotiating, among other things he threatned to be gone immediately, not being able to endure to see the Council thus affronted, by having matters, after they were handled, and ready to be determined, suspended thus. He told us farther, that this was done for no other end but to delay business, for that otherwise, the Council ought to have been advised thereof before it had proceeded so far; concluding, that this did not at all agree with what his Majesty had writ, before he came to *Trent*, with a great deal more such stuff; to all which, tho' I returned him satisfactory answers, which I need not repeat here, there was no reducing him to Reason.

This Dispute having lasted three Days, the Legate condescended at last to what is above-mentioned, and tho' we struggled hard not to have had the term fixed, but to have had that left to the Council, we were not able to obtain that of him. In fine, that we might not come to an open rupture with him, which we were very near doing, we were forc'd to accept of what is granted, hoping that it may be sufficient time for the Protestants to come in, and for his Majesty, if he should judge it convenient, for to treat with the Pope, either to prolong it, or to give some orders about it.

Not doubting of the Legate's having us'd very brutal methods, that being a thing he knows full well how to do, whenever he judgeth it to be necessary, I was always of the mind that we ought to stand our ground, to see whether he would offer any thing
that

that was to the purpose ; but perceiving, that this matter went to his very Soul, and fearing lest we might thereby hazard the whole business, we were glad to agree to what is done, which I take not to be much amiss.

Don Francisco, who takes a great deal of pains, managed this Affair with his customary Prudence; the granting of a safe Conduct is likewise agreed to, notwithstanding there were several that oppos'd it; nevertheless, fearing what might happen, it was thought convenient that *Don Francisco*, should speak to all our Prelates, before the General Congregation met yesterday: We shall do all we can to have it dispatch'd according to his Majesty's Directions, as it is fit it should.

Your Lordship may be satisfy'd of what I know to be true, and have writ formerly, which is, that there is nothing in the World the Pope and his Ministers abhor and dread so much, as the coming of the Protestants to the Council; for we can plainly perceive that they are not themselves, nor in a condition to treat about any Business, when they are brought to touch on that Point. This is the true reason of their making so much haste, and of their having been so unwilling to grant what is above-mentioned, being in continual dread lest something should rise from under their Feet to disturb them, and of Peoples coming hither, who may, to their great mortification, deliver their Minds freely against Abuses, and some other things.

So that in truth it is their whole business to abuse the World, by pretending that they do hope, and wish that the Protestants would come, when at the same time they are contriving all the ways they can think of to shut the Door against them: This, so far as I can understand, was the reason likewise of precipitating the

Doctrine of Justification, as they did: and whereas they cannot tell but that the Protestants may come hither, so were they but certain, that they would never come, I cannot tell what they might do.

As to your Lordship's wondring at the Electors not having observ'd this, and at their having suffer'd things to go so far; to speak the truth, it is what I have likewise wonder'd at, and the more, since I was told, that the Embassadors of the King of the *Romans* had voted the Communicating under both Species to be of Divine Right, and that the Cardinal of *Trent* gave a great many Reasons, why the *Germans* ought to be dispensed with therein: As to the Elector of *Mentz*, to whom he of *Triers* is intirely resign'd, he was of another mind, having declared that it would be no advantage to grant that to them, for which he is highly extoll'd by the Pope's Ministers and others, as he of *Trent* is strangely run down for what he said, by several Reports they have spread abroad of him.

For among the other Non-Liberties of this Council, this is one, That whoever offers any thing that is not grateful to the Legate, or that does not suit exactly with some People's Prepossessions, he is reported to have spoke ill, and to think worse, and to have taken what he said out of I do not know whom. And thus most things are handled here with great prejudices. *Mentz* follows the Legate in every thing almost which is much for his honour, and for *Triers* he votes always as *Mentz* does.

As to my self, I can say it, that before I knew any thing of the Protestants being to come hither, I was still of the Opinion, that at least the two Articles of the Communion, and the Marriage of the Clergy ought to be deferr'd; as your Lordship may see in the last Letter I wrote to you in haste of the 1d Instant;

Instant; could I but have timely notice of things, I should be able to do your Lordship more service, for which, till that is done, I must be excus'd: But as I have declared that to be my Opinion, so I do remember, that having once spoke thereof to the Bishop of *Verdun* at a Congregation, the said Pre-late approv'd of it, as did also the Count *de Montfort* when I communicated it to him, and who I believe spoke of it to *Don Francisco*, who thereupon writ about it, and by that means it came into his Majesty's Dispatch, where I was glad to see it, as I was also to see it in your Lordship's Letter. I shall, in obedience to your Lordship, take all the care I can to prevent irregular proceedings here; for there are several matters which the Legate ought to treat with more Deliberation, than he has hitherto handled things; *I pray God give them Grace to understand this:*

Should the Protestants come hither, they will expect, I suppose, to be heard as to the Matters which are already determined, no less than to those that are not, as indeed it is but reasonable they should; and the rather, that we may thereby encourage them to come: Now as they will choose some to speak in their name, so it will be convenient, in my mind, that the Catholicks should appoint some to answer them, and that they may satisfie them without wrangling, let them have their several Days allotted, but so that the Protestants may still continue Plaintiffs.

I take notice of this, because there are some here, who are obstinately of Opinion, that none but the Protestants are to be suffered to speak to Matters which are already decided, and that they are only to be heard. Now if this course is taken, as it will give but little satisfaction, so it will not be much for

the Honour of the Synod, for there is the same reason for answering them, as there is for hearing them; and does not their saying that the Protestants shall be heard in Matters which are already determined, only in order to their being instructed, and their disputing here about things as if the Protestants were present, demonstrate that this course ought to be taken; for since most of the things have been determined by former Councils, were it not on such an occasion as this, it would not be lawful for Catholics to dispute about them; so that if this course is not taken the Protestants will come hither to little purpose, neither can they properly be said to come to a Council, but to be brought before a Court. There is one thing that ought to be well consider'd of, which is, whether it will not be convenient, when the Protestants are come, not to have the Sessions so thick, lest by determining of things wherein they are concerned, they may be provok'd to remonstrate, out of despair of not being able to do any thing: And whether it will not therefore be the best way to hear both them and the Catholics upon all the Points in Controversie between them, and after that is done, to have all determined in one Session, as was done in the Council of *Constance* with the Heresies of *Wickliff*; which course, as it will make things seem to be maturely considered and digested before they are decreed; so it will prevent such miscarriages as have been committed in some Matters.

Your Lordship may be pleased to consider what is fit to be done in this, and all other Points, for what-ever you shall judge to be most convenient will certainly be so. I have not neglected to speak of this where-ever it was proper to do it; and as I have met with several that do approve of it, so it appears to
me

me to be a very considerable thing, and which may be of some advantage to us, in order to defeat the Legate's Designs about the present Suspension, which was the cause of my mentioning it at this time.

As to the *French King's* Protestation, there will no Decree be pronounc'd upon it, but the Answer they have sent to the Legate from *Rome* will be returned to it, which I am told is very well framed, and is agreeable enough to what his Majesty has writ concerning it, being a mean betwixt pronouncing a Decree, and being silent, tho' in effect it is much the same with a Decree; the Synods having thereon declared it self to be universal, which, to prevent provoking, was in my Opinion convenient enough. I am confident, had we sollicit'd to have had a Decree, that was substantial but not rigorous, that we should never have been able to have obtain'd it, nor to have settled the point with the Pope and his Ministers, the Legate having been order'd, some Days agoe, not to give us any Answer about it; and the Answer which is said to have been here four Days, was yesterday read and approved of in the Congregation

As to the Provisions they are here very busie about them; I have formerly writ something concerning them, and we shall now see quickly what will be done therein; the Wheat is come already, which has not been so dear here of late, as it was last Year, when I wrote to his Majesty and your Lordship about it. That of the Guard is a good thing, and *Don Francisco* will write how well it is taken here: It was a good Bargain your Lordship made with the King of the *Romans* about Flesh, it being in that and Bread they exact the most, and whereof I was the most apprehensive. *Don Francisco* takes care of this as he does of every thing else, in which I give him all the assistance I am able, which is something

the greater by my being so much in my Lord Cardinal's favour; *I pray God it may succeed.*

Your Lordship does by your daily Favours and Kindnesses, and by the particular care you take of my Person and Advancement, run me so deep into your debt that I can only say, that I do kiss your Lordship's Hands a thousand times for it, and do wish to live, that I may by my Services discharge the Debt in part I am owing to your Lordship, whose I am, and will be all the days of my life; so that your Lordship, in taking care of my Concerns, takes care of your own. As to the success, let God do what he shall judge to be most convenient, and if I do not prosper, let my own ill fortune, or want of Merits, and not your Lordship be blamed for it, from whom I have already receiv'd that Kindness, whose most Illustrious and Reverend Person and Estate may our Lord preserve and prosper for many Years, as I desire.

From Trent the 7th
of October, 1551.

I kiss your Lordship's Hands.

Doctor Vargas.

The following Paper is a Note writ with Vargas's own Hand, but without his Name or any Date to it.

DON Francisco, I believe, must have writ 'concerning the Copy of a Letter wherewith the Legate endeavour'd with great secrecie to have stopp'd his Mouth when he was urging him to give way to a Reformation; in which Letter, if it is true, his Majesty did assure the Pope, That nothing

nothing should be done in the Council but what he had a mind to have done in it, and that he would oblige the Prelates to hold their Tongues, and to let things pass without any opposition. *Don Francisco* being astonished at this, acquainted me therewith in great Anxiety; I immediately told him, that I questioned whether what the Legate had said was true or not: but supposing it were, it signify'd nothing, since it was not to be literally understood, as the Legate, who made a great Secret of it, pretended; that Letter having been writ by his Majesty before the Pope had granted his Bull for the continuation of the Council, when it was writ on purpose, to bring the Pope for to grant it; and instead of exasperating him, to satisfy him with good words, that he should run no risk thereby: which his Majesty continues still to do, the times being such as will not suffer him to act otherwise with him: not that ever his Majesty intended thereby that the Pope should be suffered to do such things, as would bring all to ruine, but only to do such things as are reasonable, in leaving, as there should be occasion, the Reformation of Matters to the Synod. Now provided the Pope would do nothing but what is convenient, notwithstanding he knows full-well how to do other sort of things, and which are no ways profitable, his Majesty might very safely offer and promise what he does in that Letter, which is undoubtedly to be understood with that condition; since neither could his Majesty have any other meaning therein, nor could the Pope, without forgetting himself, desire any thing more of him. What I then said, I say now again, and that without doubting of its truth in the least: tho', at the same time, I do heartily wish, that the Pope may neither by this, nor by any other way have any opportunity

portunity given him of taking more liberty in such matters than he already useth, *Quæ proculdubio ad mentis agrotationem & animi morbum usque pervenit, ita ut non nisi insania & furor quidem appellanda sit*: I do suppose the Legat likewise presumes much upon this Letter. I do leave it to your Lordship, whether there be any thing in this, wherewith I ought to be acquainted.

“ This Promise of the Emperor's, That if the
 “ Pope would re-assemble the Council, he would
 “ suffer nothing to be done in it, but what the
 “ Pope would have done, notwithstanding all that
 “ *Vargas* has here offered in its Justification, does
 “ very much reflect both on the Emperor and the
 “ Pope: On the Emperor, because at the same
 “ time he made the Pope this promise, he was promising the Protestant Princes of *Germany* a free
 “ General Council; and on the Pope, for requiring
 “ such an unreasonable promise before he would
 “ venture to re-assemble the Synod; so that whether the Emperor kept his word with the Pope
 “ or not; it is certain, the Pope, when he called
 “ the Council in expectation that he would have
 “ done it, never intended, notwithstanding all his
 “ and his Legate's Godly professions to the contrary,
 “ that the Council should enjoy any thing of liberty
 “ or authority.

Dr. Var-

Dr. Vargas's Letter of the 12th of October, 1551, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

AS I was going on *Saturday* Morning to the Session, your Lordships of the 8th Current came to my hand, with which I received the favour that is customary; the Session was celebrated with greater Solemnity than any other Session from the beginning of the Council had been; the Offices being long, it lasted eight hours, the rest of the time was spent in an Oration, spoke by the Archbishop of *Sazar*, which was a very good one, and in pronouncing the Decrees, and in reading the Answer to the Protestation, and the Suspension of the Article *sub utraque*, with all its dependencies, and the Powers of the Electoral Marquiss of *Brandenburg*, and in hearing an Oration spoke by the Chief of his Envoys; which Oration was both pious and learned, the Envoy having declared therein, that his Master did, by vertue of the Powers he had exhibited, submit himself to the Council; the Powers, as well as the Speech, were elegantly worded; and notwithstanding he did not specifie wherein he was willing to submit himself to the Council; yet in promising to accept of all that his said Envoys shall consent to, and approve of, they were received with Congratulations; which has so far removed a doubt we had, that matters are like to go on better than we expected: Nevertheless, in case there should be a change, what his Majesty has commanded, and your Lordship writ to me about, is well ordered. I here send your Lordship a Copy of the Acts, notwithstanding I know they are sent by *Don Francisco* to

to his Majesty. I have nothing to add, to what I writ to your Lordship on the 7th Instant, concerning what has passed since, only that things have fallen out as I said they would; two or three of which I would not have had done, and which, I think, ought still for to be remedy'd.

The first relates to the business of the safe Conduct; for seeing they are willing to grant one, as it is but just they should, I could wish it were something fuller, and as near to that which was granted to the *Bohemians*, as the times will permit: It being such a one that the Protestants desire, and as must deprive them of all excuses for not coming hither: Such a one would likewise be agreeable to that of his Majesty's, which, *mutatis mutandis*, is the same with that of *Basil*; that Clause only being left out, which gave the *Bohemians* leave to Celebrate their Religious Offices *in locis hospitiorum suorum, &c.* And the following Words, *Sic tandem ut ab eadem Synodo occasione quorumcunque excessuum aut delictorum ab eis antea sive modo veniendo, manendo aut redeundo commissorum aut committendorum minime puniantur*, being put before the Clause, *Si quispiam, &c.* which, in truth, is no more than is necessary to secure them from being punished for their Heresies: Neither does it amount to a Permission, but only a Toleration; so that they shall not be punished for any Crime, but by Judges, appointed from among themselves, which is granted in the Clause, *Si quispiam, &c.* in the safe Conduct of *Basil*.

The safe Conduct having been thus ordered, was sent by *Don Francisco* to the Legate, who, as your Lordship will see, has changed the whole form thereof, having reduced it to a very small compass, which cannot but give great offence to the Protestants, who therein have no promise made them, not to be punished

nished for the offences of their Religion, which for the removing of Scruples ought to have been done ; and the rather, because they are not allowed the Exercise of their Worship ; it seems likewise to give the Judges, that are to be appointed over them a Power of taking cognizance of all Crimes they have committed or shall commit, even favouring of Heresie: Neither is it said that the Judges shall be appointed from among themselves but only in general, *Quod possint deligere Judices sibi benevolos*, which may very well raise such scruples in them as may hinder them from ever coming hither, since they will never consent, that they shall be liable to punishments, by any Judges purely on the account of their Religion ; neither will they fail to say, that this was done with a design.

The Clause likewise, *quantum ad ipsam sanctam Synodum spectat*, may very well make them jealous, since the Synod ought to promise for the Pope the Emperour and all other Princes and Prelates, that they shall enjoy an intire security, as was done by the Synod of *Basil*, and especially since they have promised his Majesty so to do: they ought likewise to suspend the Decrees of the Council of *Constance*, made in its 9th Session ; and that of *Sienna*, as was done in the safe Conduct that was granted to the *Bohemians*, that being a thing the Protestants have much in their thoughts, and who, by their insisting thereon, have much retarded his Majesty : and the truth is, the Synod in a case of this importance ought not to grudge them words, but ought without descending to niceties, or to what is enough, or not enough, for to grant them an entire security: All which things ought, in my judgment, for to be remedy'd, and so they shall, if the Legate will, as he ought to do, let me see the safe Conduct before it

it is pronounced. But as I have formerly writ your Lordship, considering that he grants this with a very ill will, I do not at all wonder at his acting therein as he does, and at his contriving a thousand ways for to hinder those people from ever coming to the Council.

As to the Prelates, where is no need of taking any notice of them, they being no ways concerned in that matter, the Legate having never so much as acquainted them with it, all things appearing well to them at first sight, and who knowing nothing of matters untill they are just ready to be pronounced, pass them without any more ado.

On which occasion I told *Don Francisco*, before *Dr. Malvenda*, who is an honest, learned and judicious Man, that since the Legate had promised, that if his Majesty was not satisfy'd with this, he would grant such a safe Conduct as he should desire, it was fit it should be done, tho' it would have been better, that it had been done already without such a great expence of time, and spinning out of business by delays. Your Lordship may be pleased to take this matter into your care; and as it will be well if the Protestants will be satisfy'd with what is already done, so it is expedient to try presently whether they will or not, that if they should not, his Majesty may return the safe Conduct as he would have it: I pray God they may here comply with that freedom they have said they will: I have been the longer upon this, because it appears to me to be an affair of great moment.

The second thing wherewith I am displeased, is in the answer that was given to the Protestation beginning at *Quod vero testatur*; in which the Pope, for his own ends, has made the Council a party in the authorizing of his affairs, and in defending of his

his pretensions against all the Pragmaticks, which have been, or may be made in *France* concerning Benefices, and other such matters? this the Council ought by no means to have been brought to have done, for besides what his Majesty has writ hither concerning such points, the Pragmaticks of *France* about which there have been such great debates, are matters they are too little acquainted with, to take upon them to approve or disprove, or pronounce any thing against them Synodically; it being neither convenient nor just, that the Synod, which knows nothing of those affairs, having never examined them nor brought them into judgment, should, hand-over-head, pronounce any thing about them. This is a matter that will in all likelihood irritate the *French*, to write against a Clause thus pronounced by the Synod by the Pope's managery: For whatever some may think, the Pragmatick of *France* was not intirely abrogated in the last *Lateran* Council, the Concordate which was pronounced in the same Session, having been granted in lieu of it, and after such a manner that the exchange did not amount to an absolute Abrogation, neither was what was done in that Council about this affair ever agreed to by the *French*, any otherwise than as it was a confirmation of their Pragmatick, of which I shall say no more, but that it was founded on the Council of *Basil*, which is still received and defended as authentick by the whole Kingdom of *France*, and the University of *Paris*, and that it depends likewise on the first Pragmatick made by *St. Lewis*, King of *France*.

Farthermore this is a thing that in my opinion is very prejudicial to his Majesty's Pragmaticks, and to those especially which were made lately at *Madrid*, against Strangers having any Benefices,
and

and about several other matters, all which, considering the present necessities, were justly and piously framed: but they who were not at all pleased with those Pragmaticks, have, by bringing the Council to condemn those of *France*, given a blow to those of *Spain* likewise, by reason of the great affinity there is betwixt them; tho' of the two those of *Spain* may be the most righteous.

But tho' now it is pronounced, there is no remedy for it, nevertheless I am willing to let your Lordship see how things are carried here, and what the Pope's aims are, who seeks to authorize all his own pretensions by the Council, and of what importance it is I should speak of things before-hand, in order to make them to be understood, for the Prelates, as I have observed formerly, unless they are told of things, and that not superficially, and as they have hitherto been advertized of them, will never examine them so as to fall into the true account of them. In fine, this will not be the last thing we shall have to warn us of the necessity there is thereof; there are several other things I am not at all satisfied with, which were carried here with the same slight Pope *Paul* made use of in the answer he gave to *Don Diego de Mendoza*, and in all probability by the same hand: *And is not this a blessed beginning of a Council?*

3. There is a thing I would gladly have had done which was that one or more of the Articles they have pronounced had been suspended with the rest, but there is no remedy for that now, and so it is to no purpose to complain of it.

As to the *Canons of Reformation*, I have nothing to say of them, but only that they are of *so trivial a nature*, that several were ashamed to hear them; and had they not been wrapped up in good language, together,

they would have appeared to the whole World to be what they are; and if God does not prevent it, I do not see but that all other things will be carried here at the same rate; *Don Francisco* has shewed me what his Majesty has wrote to him about this affair: which he had done sooner, had he not been hindred by extraordinary business. I can only say that matters have gone therein to a tittle as I writ to your Lordship they would: As to what your Lordship writes, about its being convenient, since the Protestants are to come, not to have the Sessions so thick, and to have all the *Lutheran* Articles determined together; it's a thing that appears to me, every day more considerable, being furnished with arguments to answer all they are able to object against it. Some days ago I told Dr. *Malvenda* as much, who was very well pleased with it; telling me, that he had thought of it several times, and I was just now told by him that he had spoke of it to the Elector of *Cologne*, who liked it very well, and has writ to your Lordship about it; it is an affair that deserves to be well considered, and being judged by all to be expedient, the Pope must be treated with about it, in time; neither will the observation thereof be any innovation in the course of proceedings, but only an enlargement of the Session, so as to provide for what may happen, that when the Protestants do come, matters may be so ordered as shall be found proper both for their remedy and the authority of the Synod. I am extreamly glad to hear that his Majesty is coming nigher to us; for besides, that it will be no small satisfaction to me to have your Lordship so near; his Majesty's Presence may give some life to affairs here. *Don Francisco*, who is a Person of great judgment, prudence and dexterity, manageth things very well, and has been at a great
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deal of pains to obtain this Session. I must beg it of your Lordship to acquaint him with this account I give of him, that so he may be sensible how much I am his friend both in private and publick.

The Archbishop of *Sazar* takes a great deal of pains too, and is a very good instrument in all disputes that happen betwixt the Embassadors, and the Legate, and Presidents, and is besides very serviceable in the Synod at the Deputations; for which reason it is but just that your Lordship should shew him favour, and do him all the good Offices you are able. *Don Francisco* has, I believe, writ particularly concerning this; and if your Lordship has, with my Letters, received the Sermon, it is in sending it, that I have done him the greatest service.

I kiss your Lordship's hands a thousand times, for the favours and kindnesses you are always doing me; in return for which, I can only repeat what I have often said, That I desire to live only to serve your Lordship, and to pay part of what I owe you. May our Lord preserve and prosper your most Illustrious Person and State for many years, as I desire.

From *Trent* the
12th of *October*,
1551.

I do kiss your Lordship's Hands.

Doctor Vargas.

P.S. About twelve days ago the Bishop of *Jacomelo* came hither as the Pope's Commissary. If he were one that had any shame in him; the unworthy trick he served me both here and at *Bononia*, to ingratiate himself with Pope *Paul*, would have hindred him from ever having shewed his face any more in this place. The Pope had need watch him narrowly, he having, since he came hither, in order to gratifie the Emperor, and to curry favour with me, expressed himself

himself much dissatisfy'd with him : Of which I take no notice, that I may make him sensible of my Repentment ; for till your Lordship wrote to me the other day concerning him, I had never troubled myself with him ; nevertheless, he has a great many Eyes upon him ; and, God be praised for it, that so great a Mischief did not succeed.

Dr. Vargas's Letter of the 13th of October, 1551, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

DON *Francisco* having given his Majesty and your Lordship a full account of all that passed in the Session, I shall only tell you that it was very solemn, and that we have been at more pains than can be imagined to bring it about : *Don Francisco* managed all things with his customary prudence and dexterity ; which, considering the difficulties, of the Legate's creating, he is to encounter withall, had need be more than ordinary : I can easily perceive that they understand here what part I have had therein ; however, I did nothing but what was my Duty in making the Relation. The Archbishop of *Sazar* made a very good Speech, and much to the satisfaction of all good People ; he does us great Service here, and is excellently well qualify'd for such affairs ; besides, he helps *Don Francisco* to Intelligence in all his Negotiations. It is but just therefore that your Lordship should favour him, in doing him some good Office, which will be taken well by every body. If I can, I will send your Lordship a Copy of the Acts, notwithstanding *Don*

Francisco, who does not use to neglect such things, cannot have forgot to do it. May our Lord protect and prosper your Lordship's most Illustrious and Reverend Person and State for many years, as I desire.

From Trent the
13th of October,
1551.

I kiss your Lordship's Hands.

Doctor Vargas.

In a Note inclosed in this, he writes: Your Lordship will receive another Letter that is something fresher than this, which, for a certain Reason, I would not send by the Dispatch.

Dr. Vargas's Letter of the 28th of October, 1551, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

THough I am sensible how much your Lordship is employ'd in perusing the Dispatches of this Session, and of your business being much increased by the late Change that has been made in the Court; nevertheless, since it will not be long before we have another Session, it is necessary that any thing that his Majesty would have done therein, should be prepared.

They are at present employ'd here in hearing the Divines every morning and evening upon the matters of Penance and Extream Unction: They are a great many, and several of them very Eminent, but chiefly those who were sent from all Parts by his Majesty, who in the Disputations have shewed them-

themselves to be great Men. I was over-joy'd at Dr. *Malvenda's* acquitting himself so well, who discoursed both learnedly and elegantly, and to the great satisfaction of all that heard him.

They of *Lovain* appear to be great Scholars; and for the Dean, he is certainly a wonderfull Man, being as Reverend for his Learning, as he is for his Person; who, as he is the Father of all the rest, so the Greatness of his Worth is so conspicuous, that his Majesty cannot do less than order him to have the first place, next after the Pope's Divines, allotting the second place to Dr. *Malvenda*; and for the rest, the ranking of them may be left to *Don Francisco*: They have all satisfy'd the World of his Majesty's having made a judicious Choice in sending such Persons: And for Friar *Melchior Canus*, he is a Person of so great Learning, Piety and Prudence, that should the Protestants come hither, as it is said they intend, they will meet with that in him that will satisfy them.

The Cardinal of *Trent* is informed by a Letter he has received from Duke *Maurice*, that there are forty Horse-men on their way hither, among whom are eight Divines, and two Lawyers, besides two from the Duke of *Wirtemberg*; and that they may be here in five or six Days, this News does not a little alarm some that are here; and if it is true, the Protestants must not, it seems, much regard the defects that are in the safe Conduct. I pray God it may be so; though, for my own part, for the Reasons I have formerly given your Lordship, I shall never believe they will come, before I see them here.

When I left *Castile*, the Council thereof put a Memorial into my hands, containing several things they desired to have redressed; which, together with

one of my own drawing up, I sent to his Majesty, at my first coming to this place; Since which time I have never spoke of it, waiting still to see how things would go, and what would be done to satisfy the Bishops in the first Session; as also to know his Majesty's pleasure concerning it: Let me therefore intreat your Lordship to put his Majesty in mind of it, and to acquaint me with what he would have done; that is, whether he would have us speak, and to what, and when, or how, or if he would have us continue silent. I can assure your Lordship the Legate has declared, That nothing more shall be done, relating to a Reformation, after the next Session; all the time that remains being to be employ'd about Matters of Doctrine: By this your Lordship may see, how little *Don Francisco*'s having spoke to him since the receipt of his Majesty's last Letters, signifies.

I am extremely sensible that a great many things of a very high nature, are handled here so slightly, and after such a manner as gives great discontent to People; and for to speak the truth, I cannot see how either Catholicks or Hereticks can be satisfy'd with what is done here; and as for the latter, I doubt they will be much exasperated by what will be done in the next Session, in which they intend to revive the matter of Justification; and when they come to treat of Contrition and Satisfaction, for to determine them a second time.

But now whereas this Council was Assembled chiefly for the sake of a particular Province, I should be glad that so far as it is possible, as things are advanced, the determination of this, and of some other Doctrines might be suspended untill the Arrival of the Protestants, who are now said to be on their way. Your Lordship may in this and all other matters, give what Orders you shall judge to be most convenient.

All

All that is done here, is done by the way of *Rome*; for the Legate, though it were necessary to save the World from sinking, will not depart one tittle from the Orders he receives from thence, nor indeed from any thing that he has himself once resolved on.

He has told several, and *Don Francisco* and me among the rest, that he will put an end to the Council by *July*; and that there shall be but five Sessions more; that is, the two which are already appointed, and three more.

God is my witness how willing I, who have now been here seven years, am to see it at an end, that so I may return to my own corner again; nevertheless I am so desirous, to see some of those fruits of this Council which we expected, and which indeed are so necessary, that I would be contented, if I had several lives, to employ them all therein.

I am not at all satisfy'd with what has been done in reference to a Reformation, neither do I hope to see much more done therein; for I can plainly perceive that the Legate has the very same Aims and Resolutions that the present Pope had, who both when he was Legate here, and since he was Pope, presuming on his Majesty's friendship, has done things without fear, that were really astonishing, never doubting of his being able to carry whatever he had a mind to. I do observe that the present Legate discovers this, infinitely more than the former ever did; he having given us to understand, that the Reformation is not a thing to be dwelt on; and that all that is to be done therein, will be concluded in this Session, the remaining time being to be wholly employ'd about Doctrines.

Don Francisco, after he had received his Majesty's last Letter, which was such as I wished it, spoke excellently well, and with all possible earnestness : The Legate's Answer to him was, That he would do a great Service, if he could persuade the Bishops to give in Memorials to him, of what they would be at, and of the Impediments of Residence, instead of desiring things at random. *Don Francisco* having thereupon spoke to several of the Prelates to do it, they accordingly gave in their Memorials to him ; who having reduced them all into one, he delivered it to the Legate, who sent it to *Rome* to have the Pope's thoughts of it. God knows how much it afflicts me to see things done so openly to the prejudice of the authority of the Synod, and of his Majesty's honour too ; the Legate might certainly, if he pleased, do such things more privately, and less to the dishonour of the Council, so as not to give People, and especially the Protestants, occasion to talk thereof, who, I doubt, will be much hardened by such doings. I am fearfull lest the Legate should, under a pretence of Friendship, impose on *Don Francisco*, the Legate being immovably determined as to every thing that he will do ; neither are his Intentions in this affair the same with his Professions ; all that he driveth at in this matter, being only to have wherewith to stop the mouths of the Prelates, to keep them from speaking about other things ; the bringing of the Prelates to speak to the Impediments of Episcopal Residence, having been the artifice from the beginning : To speak the truth, *Don Francisco* takes a great deal of pains, and manages things after as good a manner as can be imagined : we shall see how this business will end. For my own part, I am extreamly discontented, but I am not able to do more, though I know I very often

often do more than I am well able; as well in matters they consult with me about, as in other things, I am informed of: And this I am certain your Lordship believes of me. Your Lordship will be acquainted with the whole of this Affair by *Don Francisco*, who has sent a Copy of the Memorial he gave in. May God direct things better than some would have them, and protect and prosper your most Illustrious and Reverend Person and State for many years, as I desire.

From *Trent* the
28th of *October*,
1551.

I do kiss your Lordship's Hands.

Doctor Vargas.

Dr. Vargas's Letter of the 12th of November, 1551, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

AS I was about to write this, your Lordship's of the 10th Instant, which I had long wished for, came to my hand: But when I consider the multitude of Business your Lordship is involved in, it is much rather to be wondred at, that your Lordship's Dispatches do come so quick as they do, than that they come so slow: So that all that can be said is, That we must have patience, and desire his Majesty to let us have his Answers for our direction here as quick as it is possible, that being no more than is necessary.

At present I have little to write, in relation to the Pope's Ministers, in the managery of the Council, and the business of Reformation, having already acquainted your Lordship therewith; only I see no hopes

hopes of any remedy, neither am I able to divine, where these matters will stop : I shall know more when this Session is over, and shall take care to acquaint your Lordship with all that shall occur.

Notwithstanding we have but three Days to the Session, a Reformation is no more talked of here, than if it were a thing never to be mentioned again: And as for the Legate, he goes on still in his old road, consuming of time to the last hour in Disputations, and Congregations, concerning Doctrines, and will at last produce something in an hurry in false colours that looks plausible : by which means they have no time to read, and much less to understand what they are about : So that it is not to be expected that any thing that is done here should produce ought but scorn and confusion.

Words and Persuasions do signifie but very little in this place, and I suppose they are not of much greater force at *Rome*, those People having shut their eyes, with a resolution, notwithstanding all things should go to wrack, not to understand any thing that do's not suit with their interests. So that by what I can perceive, both God, and his Majesty, are like to be very much dishonoured by what will be done here ; and if things should go on thus, and be brought to such an issue as the Pope and his Ministers aim at and give out, the Church will be left in a much worse condition, than she was in before : It will therefore be expedient, after this Session is over, and matters are become more desperate, if that is possible, than they are at present, to set about applying some remedies, by taking some other methods.

I am sensible of the great pains your Lordship is at in doing all good Offices both at *Rome*, and with the Nuncio, in order to inform the Pope aright,
and

and to bring him to alter his measures : I pray God he may be prevailed with to do it, though, for my own part, I shall reckon it a Miracle if he is, and shall thank God for it as such.

In the mean while, I shall, after your Lordship's Example, comfort my self with the thoughts of what God oftentimes useth to do, when things are reduced to such a desperate estate, that no humane prudence is sufficient for them; which we may the rather hope for in this case, because God's Honour, and the Reformation of the Church, are immediately concerned in it: But after all, God only knows, after what manner such a remedy will be apply'd, and whether by such ways as we think it will, and desire it should.

As to the Protestants coming hither, I do not know what to say to it; only if other methods are not taken here, their coming will be to no purpose, and they will return worse than they came; and especially if they should be such persons as your Lordship is informed they are: God may nevertheless, notwithstanding all their Rebellions and Determinations, bring them hither, to enlighten both themselves and others as to their duties; for which reason, as there are several that do wish they were here, so there are others who cannot endure to hear of their coming, and much less to see it.

The two Protestants that are here already, do pretend to have no other business but to provide Lodgings for the rest, though I rather think they are sent before as Spies: The *Bohemians* having taken the same course at the Council of *Basil*, who, after a great many Offers, would not venture to come, before they were advised by two they had sent before, *Rem agi serio, nec subesse dolum*: The meaning of which may easily be understood. It is reported that

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Melancthon and the rest of them, appeared obstinate and resolute in their Errors at the Assembly of *Wittemburg*; if that is true, there is but little hopes of reducing them, neither will I ever believe they will come, before I see them here.

The Divines continued their Disputations till the last day of the last month; and since the second Instant, the Bishops have been Voting upon the Articles that have been proposed to them. So that according to the course the Legate takes, they will have done in five or six days; and after that, the time that remains will be spent in forming the Decrees; which being done, the Bishops will return to give their Votes to them, and pass them into Doctrines.

Your Lordship may see by this how they intend to employ the time that is behind, though nothing is more certain, than that thorough the artifices and methods that are used, to ingage people, and thorough the Council's having no strength left, it being totally deprived of its authority and freedom by the Legate, who has taken it all entirely into his own hand; if a Session were to last half a year, it would be the same thing as it is now, so that we shall have no cause to wonder at any thing that shall be done here, but shall have great cause to be thankfull for what they shall leave undone.

Dr. *Malvenda* has been very ill of a Catarrh, but is now pretty well again, he has not deserved to be sick, and is a person for whom I have a very great kindness.

I kiss your Lordship's hands a thousand times, for what you have done in relation to my particular affairs; and I do rely so much on your friendship, that I take but little care of them my self.

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I have not as yet been able to recover the Money which was assigned me at *Naples* towards the defraying of my Charges; the Goods which used to be remitted to me, having been hindred from coming by reason of the Ways being stopt by the War; so that I am, and have been much pinched with want.

I have writ to Secretary *Vargas* concerning it, and that he would be pleased to send me such a Dispatch, as that which was sent to *Don Francisco de Toledo* for the recovery of his eight thousand Ducats; I must beg it of your Lordship to promote this, as also to write to the Viceroy to remit that Money to me immediately; which tho' a small thing for him to do, would be of great importance to me, considering how the Times are, and the Charge I live at here. The Lord prosper and preserve your most Illustrious and Reverend Person and State for many years, as I desire.

From *Trent* the
12th of *Novem-*
ber, 1551.

I kiss your Lordship's Hands.

Doctor Vargas.

Dr. Vargas's Letter of the 26th of November, 1551, to the Bishop of Arras.

Most Illustrious and most Reverend Lord,

I Have already writ to your Lordship at large, as I do now again, our affairs requiring I should do so. His Majesty's Dispatches, which were very proper, and such as I wished them, being arrived, *Don Francisco* has been to speak with the Legate. It would be a tedious business to Relate all that passed

sed between them; for which Reason, and because *Don Francisco*, himself must have writ an account of it; I shall only tell you, that the Legate behaved himself on this, as he has done on all other occasions, and as we expected of him, *Perfricuit nempe frontem insigniter.*

Your Lordship may be satisfy'd, that there are not words to Express the pride, disrespect and shamelesness, wherewith he proceeds in these affairs; for being perswaded that we act timorously, and that his Majesty will be cautious how he do's any thing, that may Minister occasion to any alteration, or that may disgust the Pope; he says and do's things that astonish the World, treating the Prelates that are here as so many Slaves, protesting and swearing when he is displeased, that he will be gone immediately, by which means he carries whatever he has a mind to. And as there is no likelihood of his ever changing his behaviour; so the success and end of this Synod, if God by a Miracle do's not prevent it, will be such as I have foretold; I say by a Miracle, because it is not to be done by any humane means; so that his Majesty do's but tire himself in vain in negotiating with the Pope and his Ministers, *Nam surdo canitur & lapis decoquitur.* The fruit of his Majesty's Dispatch is such as I guessed it would be; that is, it has made the Legate much worse than he was before, who has since hammered out such an Infamous Reformation (for it deserves no better Epithet) as must make us *fabula & risus populo.* I am not able to express how much it troubles me to see God and his Majesty, thus Dishonoured, *Sed res ipsa loquitur;* the Prelates that are here do likewise resent it highly, many of them reckoning that they wound their Consciences by holding their Tongues, and by suffering things to

to be carried thus ; and who tho' they have hitherto with much ado been kept by some Offices that have been done them from doing their duties ; so that two Sessions have pass'd as your Lordship sees ; I am persuaded nevertheless, that if other courses are not taken , that no Offices will be able to Restrain them much longer, they are so extreemly scandalized.

The Legate was not to be persuaded to treat about any thing that was in the Memorial ; and as I have writ before, it would be well if he could never be brought to it: For whenever he shall condescend to do any thing, it will certainly be for the advantage of the Court of *Rome*, and to the prejudice of the Church, and especially of his Majesty's Kingdoms.

Every body do's not see the Legate's design in the business of Benefices with Cure, which he is very forward to talk of ; having of his own accord declared, that the Pope will never give his Consent to it.

For the Legate being sensible, that many of the Bishops, for their own Interest, are extreemly desirous to have it pass, he hopes they may be brought to make such a bargain with him as he drives at, and as the present Pope, when he was Legate here, aimed at likewise : who proposed it to the Bishops, offering them the Collation of all Benefices with Cure, provided, the Expeditions did all pass at *Rome*, and the Pope be re-imburfed, by having all other Benefices lodged in him, which is the thing they grasp at : Now this being a most inconvenient and abominable bargain, the Legate, of his own accord, declares that the Pope will never agree to it ; which, if I have any Judgment, he saith for no other end, but to put the Bishops in mind to desire it of him :

him: For the clearer understanding of which matters and practises, I writ to your Lordship on the 12th Instant, my thoughts of the Memorial, and of other affairs; now if this matter of Benefices should come to be treated of here, we ought, in the first place, to put the Pope's Ministers upon shewing what right his Holiness has to collate to any Benefice whatsoever; and having brought them to that, I will undertake to demonstrate, from the Principles and Foundations of the Law of God, and of Nature, and of Men; and from the ancient usage of the Church, and from good policy, that he has no manner of right to it; and all this without doing Injury to his Dignity, and the plenitude of his Power. But the Pope having now by degrees and force, got all into his own hands, he gives the World to understand that all is his, and that what any body else has, is what he is willing to give them. From hence it is that the wretched Canonists, I meane some of them, do either out of fear, or flattery, or both, style the Pope *Dominus beneficiorum*.

Now in the handling of this affair, if the provisions of Benefices should be lodged in the Bishops, care must be taken that flesh and blood be not allowed so much liberty as it has been accustomed to; but that it be so ordered as to partake of the ancient usage, either by Examination or some other way that shall be judged most convenient, that so an eye may be had therein to the profit of the Churches and the Sheep, and not only of the Bishops.

But this being a matter of so great moment, and which cannot be treated of in these times, but to the prejudice of the Church, and especially of *Spain*, the best way, now the Pope carries every thing he has a mind to, will be not to meddle with it at all, but to reserve the handling thereof to a better time,

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Quo purgabit Dominus filios Levi; which purgation must come, and that with a severe Scourge; or till God shall provide other remedies, which may be applied at some time or other; it being impossible that a thing so violent, and so fraught with Abuses, should hold long; the whole Nerve of Ecclesiastical Discipline being broke, and the Goods of God made a perfect Trade, and Merchandise. As to the Head of reviving Provincial Councils, which is in the Memorial, it has put the Legate in a great Disorder: This is one of the things that was put in the Memorial, without my advice, who do pretend to understand, what the Pope and his Minister's Pretensions are in that matter; for that being a thing the Church has so often done, and still has authority to do, it ought not to have been proposed here as a new matter; but such Councils ought to be called frequently, as was the custom in former times. This is a thing of that Importance, that I have often, and I will always say it, That the Restoration of the Church is chiefly to be expected from the reviving and celebrating of Provincial Councils, the Ruin thereof having proceeded from the Cessation of them, which, among other Effects, would prevent Secular Princes, being brought under necessity of meddling with things, to the Violation of the Ecclesiastical Immunity; in which, if some Remedies are not found out for their great Necessities, and some holy and lawfull Courses for the obtaining of Justice, they cannot forbear concerning themselves: I say this of Provincial Councils, because the Celebration of such as are general, is, as we see by Experience, like the *Ludi Seculares*, to be brought about but once in an Age, if so often; and when one comes to be celebrated, it is done in such a manner as we now see; insomuch that, this

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which is now sitting here, must totally undeceive the World, so as to convince it; that by reason of the Opposition and Industry of the Popes, to engross all to themselves, nothing of Reformation is ever to be expected from a General Council.

Now they being sensible that General Councils, by reason of the Discords of Christian Princes, and thow some other Causes I have formerly given, are thus in bondage, they do all they are able to hinder the reviving of Provincial Synods, except the Pope's Legates or Vicars are present at them, that so they may leave no breath in the Church, nor in any of its Members, to the exclusion of all Remedies, and all talk of them. The Pope that now is, when he was here, had his Pretensions about this thing; and had he gone on as he began, he had certainly carried them, having been seconded therein by several: And there was a certain Prelate, who, in a General Session, had the Confidence to say on that Occasion, That the Councils of *Toledo* were all held in contradiction to the Apostolical See, with a great deal more such stuff, which gave no small offence to a great many, those Councils having been so famous, and of so great advantage to the Church: He that spoke this was the Bishop of *Fano*, who has been since made a Cardinal, and as they write at the Nomination of his Majesty; who, though a Person of great Honour, spoke this, because he knew it would be gratefull to the Legates, and would make way for his promotion: I have said this, because I would not have things wherein the Pope and his Court have such great Interests and Pretensions, to be decided or handled here, since it cannot be done but to our great prejudice, and to the great detriment of the whole Church, which at present has neither strength nor courage to resist; and if God
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do not remedy it, I do not see when it will : This is a thing I am positive in, it being what I owe to the Service of God, and his Majesty, to whom I desire your Lordship to Communicate this, and what-ever else I do in discharge of my Office, it being of moment to his Majesty's Kingdoms, *Spain* especially, that it should be done.

The Legate, among other Chapters of Reformation, did pretend to put these that follow ; which being so prejudicial, and to *Spain* especially, we with much ado prevailed with him to let them alone till his Majesty was first consulted. *Don Francisco* must have writ at large about this matter ; I will nevertheless write my Opinion thereof, and what I said of it here, that notwithstanding the second and third look like something ; they are really of no moment, and yet under their colour the rest must be received ; and by that means, that which is so much wished for, will become incurable.

The first Tonsure, let Canonists say what they will, is not, nor never was properly an Order, but a Sign or a Door whereby to enter into Orders ; for, according to the Master of the Sentences, *St. Thomas*, and all other Divines, where there is no Character, one cannot properly be called a Clerk, as there is not in the first Tonsure ; neither is all that the Canonists, and *Innocent* the Third say thereof, to be taken strictly, but in a large sense : The first Tonsure being really no other than a Novitiate, having been instituted only for such, as did actually serve in the Church, and were dedicated to the Divine Service ; for which reason, the Consent of Secular Princes was necessary to the giving of it ; it appearing just, that such Ministers should enjoy some Exemption ; but at this time, that whole matter is run into such disorder, that nothing of the said Institution

stitution is now observed, to the exceeding great prejudice of the Common-wealth ; every one that will now, may wear a Crown for Six-pence and two Clips with a Cissers, and so plead an Exemption from the Royal Jurisdiction, committing all the Crimes they please without fear of Punishment: The true Remedy for this is, to put such a stop to it as is necessary, and not to be satisfy'd with having this Exemption taken from all Clerks that shall Marry ; as also to have new Orders made about the Habit and Tonsure: Concerning which, the Canonists have made strange work, having made many Jestis as well as Falshoods to pass for current Truths. When I speak of the Canonists, I speak as a Thief of the Family, being sensible of the Abuses which have been authorized by them in the Church, either out of Ignorance, or for some base End ; for which reason, what I say of them ought to be the more regarded. There are three Remedies for this: The first is, That the first Tonsure shall be of no advantage to any that are not actually employ'd in Divine Service, as has been said. The second is, That the first Tonsure shall never be given but together with the Order of Subdiaconate, which, since the Time of *Innocent the Third*, for it was not so before, has been an holy Order, and that otherwise the Crown shall be of no benefit. The third is, That the first Tonsure shall be of no advantage to any, that are not Ordained to some holy Order within a year, as it is said to be at *Venice* ; the two first are the most proper Remedies, there being no need of having more shaven Crowns, unless it be to increase Mischiefs, to disturb the Common-wealth, and to carry Causes and Money to *Rome* ; what they drive at in this matter, being *ne quoquo modo minuat* *Messis illa aurea ad quam Stratocles & Democrides*
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sefe mutuo invitare solebant, sic nempe joco Tribunal & Curiam appellare consueverunt : But in case it cannot be thus remedied, as I do not believe it will, it not being a thing to be expected, that the Pope and his Officers should ever give their Consents to it. It will then be convenient to let it remain as it is; and that the rather, because Princes, upon their not having suffered the Council to remedy it, may remedy it themselves; for his Majesty may, without any Scruple of Conscience, redress it in his own Kingdoms, by punishing his Lay-Subjects; for such they are in reality, there being neither Law nor Reason for their being exempted from the Royal Jurisdiction; neither can they help themselves by any thing that has been Ordained by the Church to which they do not belong, notwithstanding all the Disputes that have been about them betwixt the Ecclesiastical and Secular Jurisdiction.

The 4th Chapter is extreamly prejudicial, and is levelled chiefly at his Majesty and his Kingdoms; about which there are so ancient and laudable Constitutions, Privileges, Instruments and Customs in *Spain* already, that the Legate cannot carry what he pretends to, without wronging, if not subverting all those Constitutions, and all the Styles of the Councils and Chanceries, such as the taking cognizance of the Violences and Outrages committed by Ecclesiasticks, and Banishing them the Kingdom, when they hinder the Royal Jurisdiction, or disquiet and disturb the Common-wealth, and commit heinous Crimes, and have none to punish them for them, or transgress the Orders of *Madrid* concerning the not bestowing of Benefices and Pensions upon Strangers, or for offending against any of the Pre-eminency of those Kingdoms, &c. To act thus, being the Defence and Conservation of the Kingdoms,

doms, and the Rights thereof, and, not the using of Coercive Jurisdiction upon the Ecclesiastical Jurisdiction and Immunities. All which matters, if I am not mistaken, are thorowly handled in some Books I have compos'd here, which hereafter may be made publick. In which Causes we must be sure to be always upon our guard with the Legate, who is certainly a grand Architect, having a strange Faculty of seeming to give something, when he gives nothing; and of laying up Matter for Plea, which must hereafter help the Court of *Rome* to Money, which is the main End he drives at in this Reformation.

The 5th Chapter, which speaks of the Immunity, ought likewise to be considered; lest, instead of remedying what the Secular Jurisdiction and Common-wealth do at present suffer thereby, they, by seeming to yield something, destroy all, by giving a Power to the Prelates to send Laicks to their Prisons; and having taken cognizance of their Crimes, to joyn with the Secular Judge in punishing them. Now this is a fetch, no Man but the Legate could ever have dreamt of. What is pretended to, and desired in this matter, being that heinous Crimes may not be committed, without being punished, by the Ecclesiasticks, Secular and Regular, at every turn defending their Churches, and the Criminals that have fled to them, with Arms, and a thousand other Methods. Now to put down Sanctuaries wholly, would appear too rigorous, considering the Derivation they have from the Law of God, or from the Cities of Refuge that were under the Old Testament; or as *Abulensis* well observes, that were at all Times, and in all Nations, that all might not be like the Laws of *Draco*, nothing but Blood. And St. *Austin* in his *Civitate Dei* observes,
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That when *Rome* was taken by the *Christians*, that they offered no Violence to the *Heathens*, that had taken sanctuary in the Churches. All this notwithstanding, things are visibly reduced to such a pass, that some course must be taken to prevent the manifold Disorders that flow from these Immunities, that so there may be Punishments; and that the Common-wealth may be preserved in Peace, which is the end of Secular Magistrates: For which reason, the Emperor *Tiberius*, as *Suetonius* relates in his Life, was so much offended at the manifold Crimes that were committed under the shelter of the Sanctuaries, which were dispersed all over *Italy*, that he dissolved them all at once.

We are now to see how the fore-mentioned Inconveniencies may be so remedied, that the Words of our Lord, *My House is the House of Prayer, but you have made it a Den of Thieves*, may not be verified in this Case. It is no easie thing to find a remedy for it; but if Churches must still enjoy their Immunities, it will be necessary that neither Seculars, nor Regulars, nor no Ecclesiastical Judges, shall defend any Church or Offender, that is in it, with any other than Spiritual Arms, which are the only Arms that belong to them; neither must it be lawfull for them to make any manner of resistance, or to lock their doors, or to give any other Impediment to the Secular Judges, whom they must restrain by Religion, and not by Force: For, besides the raising of Tumults, there are other Reasons why it should not be lawfull for Ecclesiasticks to defend their Churches with Arms, as their not knowing what they defend; or whether the Case be such as can claim Sanctuary; or whether the Secular Judges may not lawfully take the Offender out of the Church, there being Cases wherein they may do it

without having recourse to the Ecclesiasticks. It ought farthermore to be declared, That no person guilty of Fore-thought Murther, Wounding, or any other such Crime, is to have the benefit of a Sanctuary ; neither ought all Churches, Monastries, and Chappels, to enjoy that privilege, but only some particular Churches that shall be appointed.

This is what I have to offer, at present, concerning the foresaid Chapters. As to which, and every thing else, his Majesty may Command what he shall judge to be most convenient ; and whatsoever shall appear so to your Lordship, will appear the same to me : Nevertheless, there is one thing I will be positive in, which is, That we do but tire our selves here in vain, since without a Miracle nothing wherein the Pope and his Court have any Interests or Pretensions, can be determined here, but to our great prejudice : For notwithstanding they have in a manner cancelled all former Laws, and under a pretence of dispensing with them, have dissipated them : They are not willing nevertheless, that there should be any new Laws made against Abuses, for fear of offering too much Violence to People's Conscience ; or lest that after they are made, Secular Princes should oblige them to observe them. Of the truth of all that has been said, what has passed concerning the Exemption of Chapters, which ought to have been quite taken away, that so there might be something of Order and Discipline ; and that they who are the Head, should not be made the Feet, is a sufficient Evidence. Which Decree of the Council will be interpreted by the *Rota*, not to comprehend any Chapters that enjoy an Immemorial Prescription, or that were exempted at the Erection of the Church, or that were defending their being exempted at the Court of *Rome*, at the time when that Decree was pronounced :

pronounced: By which Exceptions the Decree is laid flat upon the ground, being nothing, in truth, but a matter of Money and Law-suits; for the Chapters upon a bare Allegation of any of those things, without any manner of proof, will be protected by that Court; and such of them as were never in the solid possession of any such Exemption, shall give the Bishops trouble enough, if they shall offer to call them in question. God knows how sensible I was of this, and of what was most convenient to have been put into this Decree; which, as your Lordship may remember, was, that all those Evasions should have been pulled up by the roots, that so no Gate might have been left open for tricks; for I would fain know why Prescription, Immemorial Possession and Erections, should hinder the Church, or the Legislator, from reforming Abuses, and from doing what is most expedient for the Commonwealth: For, from the time that Abuses may be defended by Immemorial Custom, a door is shut against all Remedies for the future, and all Sins may plead Prescription. In a word; the Legates acted in this, as they do in every thing else; that is, they would not suffer the Court of *Rome* to be deprived of so great a profit; and for that reason did, according to their Custom, favour the Chapters against the Bishops; pretending, as an Auditor of the *Camara*, who is since made a Cardinal, said once publicly, That the Honour of the Apostolical See was supported by the Chapters. Your Lordship may see by this how well they know what they do, and what likelihood there is of having any thing redressed here. I have sent your Lordship a Memorial of the Council of *Castile*, which was made before this Council was called; as also the *Pragmatica* of *Madrid*: Which orders no Benefices or Pensions to be bestowed

bestowed upon Strangers, with several other things. This Memorial was put into my hands by the Council, and I sent it with another as big or bigger to his Majesty in the Year 1545.

Vainly imagining at that time that something might have been done in earnest at *Trent*, and that the time of our redemption was come; but since it would now only trouble your Lordship to read it, I forbear to send it to you, but shall cite Things out of it as there shall be occasion, being prepared whenever your Lordship shall command it, and there shall appear any hopes of its doing any good, to write a Book upon the same Subject, if it shall be thought necessary.

There is one thing I am always positive in; which is, That whatsoever *Spain* is in possession of, and doth justly defend, that she ought not to suffer it to be called in question, nor seek to have it granted by the Council, no not though it were free, and much less from such a Council as this; for it is our business to be always Defendants, and not Plaintiffs, and especially considering how things are carried here, where it is plain the Pope and his Ministers will carry whatever they have a mind to, though never so much to our prejudice. This is what I have always said and advised.

Your Lordship will see by this, that the first Chapter of the Memorial that was delivered to the Legate, relating to Benefices, with Cure, was not well weighed, it being prejudicial to *Spain*, which ought to keep it self upon the Defensive. Whoever he was that drew up that Memorial, was not thoroughly acquainted with these Affairs, as appears by his having said that the Rule of Language ought to be observed, as if that were the whole business or the sole Reason why Benefices should be bestowed
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only on the Natives: Whereas, in truth, it is an Institution founded on Divine, Natural, and Humane Justice; that as to all sorts of Benefices, the Natives ought to be preferred to Strangers, notwithstanding they do understand the Language, which besides ancient Custom, has several Grants to confirm it. This, with several other Prescriptions for the obviating of Frauds, shall at some time or other, be published in the Books which I have writ concerning these Affairs; the last of which are in defence of the said *Pragmatica*; the first confirming it by the Common Law of Nations, and the second by the Municipal Laws of *Spain*.

This is all I shall say of Reformation, and as to their way of handling Doctrines, I have a great deal to say of it; I gave your Lordship some time ago an account of the Legate's Conduct here, but I have now some thing to add: It troubles one to see how those matters are managed and determined here, the Legate doing whatever he has a mind to, without either numbering or weighing the Opinions of the Divines and Prelates, hurrying and reserving the substance of things, which ought to have been well weighed and digested to the last Minute, the Major part not knowing what they are a doing, I mean before the fact; for believing that Christ will not suffer them to Err in their Determinations, I shall bow down my head to them, and believe all the Matters of Faith that shall be decided by them; I pray God every body else may do the same: But what is chiefly to be noted, is, That the Eminent Divines that are sent hither by his Majesty, namely the Dean and Professors of *Lovain*, Persons so famous for Learning and Piety, are never called to the making of the Canons and Doctrines, nor suffered to see, whether there be any thing amiss in them.

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This is a great fault, and is much complained of, to the great discredit of all they do, a great many taking occasion from thence to have no great regard for their Decrees, fearing they may hereafter minister Matter to Controversies.

It is necessary his Majesty should write warmly concerning this matter to his Ambassador, namely *Don Francisco*, commanding him to concern himself earnestly therein; for it is a shame that things should be carried thus, and such great and eminent Divines should be brought from the end of the World, only to Dispute one hour in a Session without being ever so much as thought of after that is over; whereas when Matters of Faith are to be determined, they ought to be examined with great Application, and people ought to tremble when they are about to define new Articles, or to declare such as have formerly been determined by the Church, and not to pass them as they do in a hurry; the Pope's Ministers being for making Articles of Faith of divers Disputable Opinions, and against declaring other things which would be of great Moment, in remedying the Abuses which are crept into the Administration of the Sacraments: As to all which, the Pope and his Ministers are, for the fore-mentioned and other Ends, continually upon their guard; and they having got the Managery and Authority of the Council intirely into their hands, do reckon they have got a great prize in Carrying things as they do: So that if God do's not by some extraordinary Ways provide for his Church, there is no hopes left of ever seeing it either united or reformed; for what was it but such doings as these, and the taking no care to reform innumerable Abuses, that has destroy'd so many Provinces and Kingdoms; and it is Justly to be feared, that what is done in this Council, may endanger the
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the destroying of the rest. But that the Church should be reduced to this estate, and that Heresies should so much prevail, is the accomplishment of what *St. Paul* saith in the 2d Chapter of his 2d Epist. to the *Thessalonians*: *Unless a Departure come first, &c.* Which words are applied expressly by *St. Anselm* and others to the Church of *Rome*, on account of the fore-mentioned Vices and Abuses, which we now see by Experience: which Text, though it has other Interpretations, may God bestow better things on us than we deserve. The Legate runs on, precipitating things as I writ your Lordship formerly, whose design at present is to finish what remains of the Sacrifice of the Mass, and of the Sacrament of Order, in the Session of *January*; intending in two Sessions more to conclude the whole business, dispatching that of Matrimony in the first, and in the second that of Images, the Veneration of Saints, the Monastical Vows, and I do not know what other things, and so conclude.

I have it from a good hand, that four days ago he received a Letter from Cardinal *Maffeius*, who sent him word that the Council would be shut up in *May*, and that he needed not therefore to lay in provisions for any longer time. Your Lordship may be pleased to Joyn this to what has formerly been written to you, to the same purpose. I must tell you farther, that this Council drawing so near an end, is what all people rejoyce at here exceedingly there being a great many who wish it had never met; and for my own part, I would to God it had never been called, for I am mistaken, if it do not leave things worse than it found them.

The Report of the Naturalization, sent by the King of *France* to the Legate with 6000 Ducats, is true; for the Legate himself has talked of it,
boasting

boasting of the esteem he is in with Princes, and slighting the Naturalization was sent to him by his Majesty, which he was heard to say was a thing of no value. Your Lordship may see by this how good an Imperialist he is, and how likely it is that he will favour *France* in the Treaties which are now on foot; I pray God these things may end well; and that after having been at so much charge, we be not intangled in new Troubles. I send your Lordship the corrupt Canons of Reformation; but for those relating to Doctrines, I do not know whether you can have them, having been told by one of the Deputies, that it is not possible to get a Copy of them from the Secretary of the Council: which makes us believe they are first to be sent to the Pope to be considered on, upon the account I acquainted you with, in a former Letter. So soon as I can have them, they shall be sent to your Lordship, who, I am sensible, is very desirous to be acquainted with every thing that passeth here. Your Lordship does well in letting no body know that I inform you of these matters, it not being my intention therein to take any body's Office from him, but only to serve your Lordship, as I am bound to do: And so, at this time, I write to no body but your Lordship and Secretary *Vargas*, leaving others to the Embassador's Dispatches. May our Lord preserve your Lordship's most Illustrious and Reverend Person, and prosper your State for many years, as I desire.

From *Trent* the
26th of *November*,
1551.

I kiss your Lordship's Hands.

Doctor Vargas.

Dr. Var-

Dr. Vargas's Letter of the 26th of November, 1551, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

THE reason why I enlarged so much in my former, was, that I might comply with my Duty, in informing your Lordship of all that passeth here; what at present offers, is, that matters of Doctrine are strangely precipitated, in not being examined as they ought, as I have writ formerly, the eminent Divines that are here not being suffered to have any hand in them.

The Decrees of Doctrine were not finished till the Night before the Session, so that a great many Bishops gave their Placets, to what they neither did, nor could understand; the Divines of *Lovain* and *Cologne*, who came hither with their Elector, as also some *Spanish* Divines, being much dissatisfy'd with several of those matters, have publickly declared they were so; *Don Francisco* and I having had some Discourse about it, it was thought fit that I should speak to the Elector of *Cologne*, to learn how it was. I did so, and was told by the Elector, that it was very true, and that if the Legates went on handling and determining Doctrines after such a manner, they would probably have *Catholicks* as well as *Lutherans* for their Adversaries. I desired that these things might not be made publick, and that he would take care to prevent the like for the future, desiring him to send his Majesty an Account of what had happened; he promised to do so, and to treat with the Embassadour and me about all Affairs; adding, that notwithstanding his Divines were impatient to be gone, and for having him with them; that he would not
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do it without having first obtained leave of his Majesty.

The business of a Reformation proceeds so at present that it is not possible it should go worse, so that all we do here is to spend time to no purpose, unless, it be to reduce *Germany* to a worse estate than it was in before.

Don Francisco has told me something of *Dr. Canus's* having spoke with the Divines of *Louvain*, who have since been observed to be more tractable than they were; so far as I can understand, this is a very bad business, and should things of this nature come once to be so publick, that Instances might be given thereof in particular Cases, it must totally ruine the Credit of all that has, or shall be done here, and must hinder the Council, from ever being received either in *Flanders* or *Germany*. Pray see what occasions the Pope and his Ministers give, and how well they deserve to go to the bottom, and we along with them.

Some are of Opinion, that the Legate's design in putting things off thus to the last, is, that there may be no time left for a Reformation; but I am apt to think they are mistaken, for though it is most certain, that a Reformation is a thing that makes the Legate stark mad, nevertheless I conceive they have a farther design, in their ordaining and decreeing Doctrines so, which is, that they may have the better opportunity to shuffle their own Pretensions into them, as also to avoid the declaring and establishing other necessary Matters; for though it is only in such things, that we say the Holy Ghost assists them, so as not to suffer them to err, they do not care for meddling with them.

If I should but allow my self time, and liberty to make Remarks upon all that has been done here, I
could

could discover abundance of things, and particularly, what it is the Legates do drive at; but since the doing thereof is not very necessary, because your Lordship, e're long will see it very plain, and I my self am something scrupulous I shall say no more.

As to the mighty freedom the Council enjoys, your Lordship is to know, that the Legate having proposed the Canons of Reformation in the last Congregation, and being very earnest for the passing of one, which would have clearly approved of the most pernicious abuse of Commendams, which have hitherto been authorized only by the Ignorance, and I do not know what, of *Gratian*, and the *Canonists*, several of the Prelates declared how much they were dissatisfy'd therewith, and among others, the Bishop of *Verdun*, who is a good pious Man, said, That this would be an unprofitable Reformation, and both unworthy of the Synod, and unsuitable to the Exigencies of the Times, Commendams being the great devourers of the Ecclesiastical Revenues, calling it farther, *A pretended Reformation*; the Legate having treasured all this up, fell upon him afterwards with very rude Language, and which was contrary to that Regard and Liberty, which, *si Diis placet*, the Council ought to enjoy; calling him a Boy, an impudent raw Man, with a great many other hard names, neither would he suffer him to offer one word in his own defence, telling him with great heat, that he knew how to have him chastised, and so the Bishop remain'd as if he had spoke some horrid Blasphemy against God, no body, *Don Francisco* happening to be absent, offering or daring to speak one word in his favour.

A great many, but especially the Electors, are much scandalized at this Behaviour; he of *Cologne*, when he spoke to me of it, told me a great deal

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more to the same purpose, and by what I hear commonly discoursed among them, it is not unlikely that the Prelates may at some time or other come to break with the Legate, for I am told, they say already, that there is no more of a Council than the Legate is pleased to allow.

By what I have said in this and my former, it is easie to perceive, how necessary it is that his Majesty should apply himself, with all possible warmth and expedition to oblige the Pope and his Ministers to take other Measures, and to mind a Reformation as they ought to do; that so the tricks which we may otherwise expect to meet with in the next Session may be prevented, and that what has cost his Majesty so much to support, may not come to nothing, which his Majesty, through the Iniquity of the Times, the Heat of the War, and for the sake of the Pope's Friendship, and several other causes, is deeply concerned to look after.

It is really a matter of amazement, to see how things appertaining to God are handled here, and that there should not be one to contend for him, or that hath the Courage to speak in his behalf; but that we should be all *Canes muti, non valentes latrare*, and look on and suffer the Miseries of the Church to become incurable, and *Germany* to be quite lost, Abuses to be authorized, and his Majesty to be thus dishonoured after he has been at so much pains, and has made use of all his Power, and has made promises to procure a Reformation by a free Council, whereas the Authority not only of this, but of all Councils for the future, is utterly destroy'd: If I should not complain of this, and take care frequently to represent it, I should neither be a Christian nor do my Duty to my Prince, I, thanks be to God for it, and the whole World being sensible of the

Sincerity

Sincerity of his Majesty's Endeavours in this affair, and of his not having been wanting on his part, to reduce all people to their Duties to the Publick. I pray God prosper his Endeavours, that so this blind Generation of people may be brought to repent, and to be wise at last.

When any thing more shall offer, and I shall be satisfy'd that there is no remedy to be expected here, I shall then advise what I shall judge to be most convenient, which I shall deferr till that time.

Affairs do look so very ill here, that for the future I could wish that his Majesty's Name and Authority might be made use of in this place, as sparingly as it is possible; and that it be never done, but when there is an extream necessity for it: For there do not want other ways whereby his Ministers may oblige the Legate and Prelates that are here to do what is convenient, without telling them that his Majesty commands it; I leave this with your Lordship, to judge whether there is not something in it.

As to the Reformation they are now hammering upon; all that I shall say of it, is, That in being extremely prejudicial to, and unhappy for us, it will be much for the advantage of the Court of Rome, which will be sure to value it self upon tricks; so that nothing shall be done, but what shall serve to create Law-suits, and to confirm Abuses: Such as the continuing of Titular Bishops, whom they ought to abolish; for besides the mischiefs they do, the creation of such is contrary to the Canons, they being much the same with the *Choro-episcopi*, who were anciently taken away by Pope *Damasus*; as also the continuing of Conservatories, which are the bane of the World; and which do so much di-

sturb the Peace of the Common-wealth, by occasioning frequent Disputes about Jurisdictions, to the spending of vast Summs of Money: But for the same Reasons for which Abuses ought to be abolished, they take care to establish them, and after such a manner as is most for their advantage. I do pray heartily that our Lord would be pleased to remove these and all other such Abuses, since we are fallen into such Times; that though we had some hopes given us of having them redressed, yet through the Legate's carrying what-ever he has a mind to, those hopes are now all vanished.

The Article of Reserved Cases in matters of Doctrine, is a thing I could say a great deal more of, than I am willing to write. May God remedy things, and preserve and prosper your most Illustrious Person and State for many years, as I desire.

From Trent the
26th of November,
1551.

I kiss your Lordship's Hands.

Doctor Vargas.

Dr. Vargas's Letter of the 28th of November, 1551, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

IN a Letter I writ to your Lordship two days ago, I gave you an account of what had passed here concerning some Matters of Doctrine with the Divines of *Lovain* and *Cologne*; that business has put all things here into a terrible Confusion: The Legate, though he do's all he can to dissemble it, being in great disorder about it; for he must have no Eyes, if he do's not see what he has done; and
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into how great a Confusion he has brought things by his Violence, which very well deserves to be called by another name.

This, as I intimated in my last was the Cause why he would not consent to the giving out of any Copies of those Doctrines and Canons, having been advised by *Don Francisco* not to do it, untill such time as the business was made up, and quieted; and the Legate himself now wisheth that they were corrected as to some particulars: both which things are worth observing.

Yesterday, and the day before, the Legate sent for the Divines to satisfy them, and to put an End to this business; I am of opinion it will be patched up, though not so, but that a scarr will still remain; neither will it be possible to prevent its taking Air, so far as not to furnish the Hereticks with a great deal of discourse.

This, as indeed every thing else that is done here, furnisheth his Majesty, in my judgment, with a fair opportunity of representing Matters nakedly, and as they are, to the Pope; together with the great Inconveniencies which must necessarily attend, their not taking other Courses in all matters than they have done hitherto: For if he be governed by Reason, it is not possible, but that this business must have had some effect upon him; and I am apt to think, that God permitted this on purpose to make them ashamed, in order to the opening of their Eyes; according to what is said in the Psalms, *Imple facies eorum ignominia, ut quaerant nomen tuum*: I pray God they may once begin to understand; though, for my own part, as I have always said, it is more than I expect, if it is not done by a Miracle. His Majesty must by no means lose such an opportunity as this; which if closely and warmly pursued, may be

54 Dr. Vargas's Letters of

of great advantage. The Legate being sensible thereof, told *Don Francisco* yesterday, when he spoke to him, that he would give some new Orders about the Divines, and that for the future they should be still consulted with and employ'd on all such Occasions; and I do not doubt, but that in order to help himself out of the difficulties he is at present intangled in, he will do something to sweeten them, I shall not fail to advise your Lordship of all that shall occur. Our Lord preserve and prosper your most Illustrious Person and State for many years, as I desire. . .

From Trent the
28th of November,
1551.

I kiss your Lordship's Hands.

Doctor Vargas.

P. S. The Legate reports that the Affairs of *Germany* are turning against his Majesty; and that the Army which was before *Magdeburg* is now on its March towards *France*; reporting likewise, I do not know what other Stories of *Maurice*, and of the Embassies.

I cannot tell what to pray for, but that God would do better for us than some people wish. I do not believe a word of all this News; and for no other reason, but because they report it.

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The following Paper is a Note writ with Vargas's own Hand ; but without his Name, or any Date to it.

WHat I writ to your Lordship on the 1st Instant, I spoke of the other day to *Don Francisco*, and of the Caution and Secrecy wherewith it ought to be managed ; and that in order to advise his Majesty thereof, we ought, doing it with convenient secrecy, to inform our selves concerning that affair by the three Deputies, the Archbishop of *Sazar*, the Archbishop of *Granada*, and the Bishop of *Guadix* ; who being spoke to, said the same I had writ to your Lordship : And whereas *Don Francisco* did thereupon intend to have spoke craftily to the Legate, to hear what he said of it, that he might be able to give his Majesty the fuller Information thereof : I dissuaded him vehemently from doing it, on account of the Inconveniencies that might attend its being talked of, before we knew his Majesty's mind about it : I do suppose he has done so, and has writ to his Majesty concerning it, that being undoubtedly the best course in matters of so great moment. The importance of this being such, that thorow it, and the great unhappiness of the Times, and Affairs being on such terms as they are, and the Councils being so debilitated as to have nothing of strength in it ; so far as I am able to divine, there will be no remedy either for what is past, or for what is to come, if God do's not put his immediate Hand to it, and convert the Hearts of those People, which, as I have often said, is a thing I have no hopes at all of ; because I do not

See how it can be done by any other way than by a Miracle. Now if it should not be thought expedient for to make use of this at present, as indeed considering how things stand, it do's not seem to be; it may then be laid up for another time, when it may be of some advantage; for however there may be some, who, to satisfie their Consciences, so far as is convenient, will write thereof; yet it will be done so, as to defend its Truth, without taking any notice of the mischief that may follow thereon.

I have likewise acquainted *Don Francisco* with what the Elector of *Cologne* told me of their having corrected and supply'd several Doctrines, where-with his Divines, and those of *Lovain*, had found fault; and how though it appeared to him a very ill business that they should have given occasion to the doing of any such thing; nevertheless, since it had been done, to correct it was the lesser Evil: Whereupon *Don Francisco* made the Deputies examine the Doctrines; which after they had done, two of them, viz *Sazar* and *Guadix*, found two other passages added in conformity of what the Elector had told me, the Archbishop of *Granada* being in that matter of another Opinion. *Don Francisco* must, I believe, have writ at large concerning this; which, let it be as it will, is a very bad business; and being understood to be so by the Electors, I do not know what may be the consequence thereof.

Don Francisco has writ an account likewise of the Electors; that is, *Mentz* and *Triers* talking of leaving this place, and of the Fears *Mentz* is possessed with; this is a thing his Majesty is concerned to take care of: Since if they go away, it will put an End to all. To this I offered two Things: the One was, That I had spoke and writ also to your Lordship of this pretence of *Mentz's*, before there was any

any sign of any Tumults in *Germany*; he having said before that, That since the *French* did not come to the Council, it ought to be suspended. The Other was, That I did not doubt of the Legate's having been the first Mover in this, who takes care to fill *Mentz* with Fears, and to confirm them in him; the chief Reasons that are given by the one and the other being the same; so that I do verily believe, that what-ever *Mentz* saith concerning the Council, is what the Legate has put into his head, excepting what relates to a Reformation, wherein he agrees with the rest: Your Lordship must consider what is fit to be done in a matter of so great importance.

“ I could never learn what the Doctrines were that were changed and corrected by the Legate upon the *German* Divines, contradicting them after they had been Enacted by the Council: Which change and correction, though it was never known to any Protestant, so far as I can learn, now that these Letters have discovered, nevertheless, it must necessarily have always had the same effect on the *Roman Catholic*. Now of it, that it has now upon Protestants, which is, That General Councils are infallible in their Determinations of Doctrines. Else, that the Convention of *Trent*, which was altered for being Erroneous, had not been a General Council.

Dr. Var-

See how it can be done by any other way than by a Miracle. Now if it should not be thought expedient for to make use of this at present, as indeed considering how things stand, it do's not seem to be; it may then be laid up for another time, when it may be of some advantage; for however there may be some, who, to satisfie their Consciences, so far as is convenient, will write thereof; yet it will be done so, as to defend its Truth, without taking any notice of the mischief that may follow thereon.

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any sign of any Tumults in *Germany* ; he having said before that, That since the *French* did not come to the Council, it ought to be suspended. The Other was, That I did not doubt of the Legate's having been the first Mover in this, who takes care to fill *Mentz* with Fears, and to confirm them in him ; the chief Reasons that are given by the one and the other being the same ; so that I do verily believe, that what-ever *Mentz* saith concerning the Council, is what the Legate has put into his head, excepting what relates to a Reformation, wherein he agrees with the rest : Your Lordship must consider what is fit to be done in a matter of so great importance.

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“ Which change and correction, though it was
“ never known to any Protestant, so far as I can
“ learn, untill now that these Letters have discovered it ; nevertheless, it must necessarily have
“ always had the same effect on the *Roman Catholics* that know of it, that it has now upon Protestants ; which is, That General Councils are
“ either fallible in their Determinations of Doctrines ; or else, that the Convention of *Trent*,
“ whose Decrees were altered for being Erroneous,
“ must not have been a General Council.

Dr. Var-

Dr. Vargas's Letter of the 7th of December, 1551, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

DON *Francisco* has acquainted your Lordship with what passed here concerning the Powers and Instructions of the Envoys of the Duke of *Wittenbourg*, and those of *Strasbourg*, and the other Cities; of all which he has sent you a Copy: And has given you an account likewise of the Legate's Pretensions, and of what passed betwixt them; as also of what I said on that occasion to the Legate, who, I am sensible, abhors the Coming and the Congress of the Protestants; and if I am not deceived, will raise all the Difficulties he is able for to hinder it.

What the Legate pretends, is, That in conformity of what has been concluded in the Diets, and which though it had never been promised, would have been in it self reasonable: The Protestants, before they are admitted into the Council, ought by an express Act to submit themselves to it, and to that End ought for to have other Powers; those which have been exhibited by them, not being to be endured, both for the said Reason, as also on the account of some Clauses that are in them; namely, that where it is said, *In eo compareant, deliberent & concludant indictum hoc Concilium* (prout multis jam habitis imperii Comitibus decretum est) libere, legitime & Christiane celebretur: And where it is said, *Reformationes tam spiritualium quam secularium instituantur*: And where it is said at last, *Denique alia omnia faciant & omittant, quæ nos ipsi facere ac omittere*

tere possemus & debemus, idque secundum instructionem quam à nobis præscriptam habent: And where it is said, Quodcunque autem Consilarii nostri supradicti nostro nomine sic agere aut perficere juverint id firmum ratumque habebimus, &c.

Now what I have to offer, and did in effect say to *Don Francisco*, and afterwards to the Legate, concerning this Affair, is, That a matter of so great moment ought not to be precipitated, without having first given an account thereof to his Majesty, that so he may order it, as he shall judge to be most convenient; and shall signifie to us, what the Duke, and the others, have promised in and out of the Diets; and whether the Powers that are sent by them do agree with their Promises; or whether they are obliged to send others, and by an express Act to submit themselves to the Council. Furthermore, that his Majesty may see whether by what has been concluded in the Diets, and promised by the Princes, he can justifie his compelling them in due time to accept of the Council, and of what shall be determined therein; but so, that That obligation may continue, though he does not urge them to do it in this place. Neither can it be truly said, that their Powers, and the Propositions which have been made by them, are contrary to the Synod; since, in fact, they do seem to approve of it, and submit to it, rather than impugne it; notwithstanding their having put in some Clauses, which may hereafter serve for Subterfuges.

It is furthermore to be considered, That it is one thing to admit *Catholicks*, who must come qualify'd as such; and another to admit *Hereticks*, to whom the Council and his Majesty have granted a safe Conduct: Who coming, staying, and going back *Hereticks*, may treat and speak their Minds freely;

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as the *Bohemians*, who returned home without coming to a conclusion, did in the Council of *Basil*, which afterwards sent Legates to treat with them. So that such of the Protestants as have not either in or out of the Diets obliged themselves to submit to the Council, cannot be directly or indirectly compelled to do it, without violating the safe Conduct, and the security that has been given, for to say what they please, concerning their Opinions and Errors, without being punished for it: For to tell them that they must first acknowledge the Council to be lawfull, is, in effect, to bid them begone, and to tell the rest that they are not to come hither.

Furthermore, Though it is but just, that all lawfull means should be used to bring them to submit themselves to the Council in all things; nevertheless, if they will not do it, they cannot, if not otherwise obliged, be compelled to it. Now they have a safe Conduct granted them; but they ought rather, as there is occasion, and so far as it may be done without danger, for to be carested, that so they may not, with the suspicions they have already, have matter given them for more, so as to hinder them from coming hither, to the ruining of a business about which so much pains has been taken. But besides this, there is another difficulty in this Affair: which is, how the Synod, their Powers being such as they are, shall receive the *Wirtenbourg* and other Envoys; and whether they shall be allowed to sit. The Legate, and some others, having declared resolutely, That unless they do submit after the Example of the Envoys of *Brandenbourg*, they shall have no Seats granted them, because the Allowance thereof would be to incorporate them into the Synod. On which occasion I told the Legate, that such as were received on a safe Conduct, had their Peculiarities; and that

that he could not deny them a Seat, where the granting thereof was not repugnant to the Authority of the Council, and of the Acts thereof ; as it was not, at the Disputations, and at the Sessions, to hear what was pronounced. And whereas had the Duke come in Person, they would not have suffered him for to have stood, but would have assigned him a convenient Seat in the fore mentioned Places, the Congregations of the Bishops being excepted ; that he ought therefore, since the Duke is a Prince of the Empire, to do the same to his Envoys, since it might be done without any prejudice to the Synod, or without incorporating them into it ; for that, properly speaking, the Body of the Synod consists only of the Prelates, who are the Judges, the Embassadors not being of its Body, but are only joyned to it by way of Assistance ; and so do neither add to, nor take from its Substance, being there only to make it the more authoritative and solemn : Telling him farther, That he ought to do all that is in his power to win, and not exasperate the Protestants. Of all which, I reckoned it to be proper to give an account to your Lordship, that so we may have a Resolution come quickly concerning it. May our Lord protect and prosper your most Illustrious and Reverend Person and State for many years, as I do desire.

From Trent the
7th of Decem-
ber, 1551.

I do kiss your Lordship's Hands.

Doctor Vargas.

Dr. Var-

Dr. Vargas's Letter of the 18th of December, 1551, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

I Have received your Lordship's of the 13th Instant, I had so much longed for, and do hope your Lordship will be pleased to let me have your Answer, by his Majesty's next Dispatch : Though as things go here at present, I do not know how this Synod may end.

Don Francisco having writ concerning *Mentz* and *Triers*, being resolved to leave us, and upon what terms that affair stands, I shall not trouble your Lordship with it at present, but shall by the next Currier, notwithstanding I do not see how I should be able to give so exact an account of things as *Don Francisco*, write you my Thoughts of them, telling you what I judge to be most convenient.

The Legate being much altered, and the time not come as yet for *Pighino* to have a Cardinal's Hat, they declare, that there is nothing to be done but to suspend the Council, having I do not know what other Imaginations in their heads. This, if I am not deceived, being the opportunity they have waited for : However, I hope God will provide for us, and his Majesty will not fail to do what is necessary, and especially in not suffering the Electors to go, or at least not him of *Cologne* : For if there should be no persuading them to stay to the last, when they might all return home together, they may very well go one after another from hence.

There is another Article that ought to be maturely considered ; which is, how to prevent the Councils being closed ; or, which will be the same, from being

being suspended for an hour: Which is an affair wherein both his Majesty's interest and honour are deeply engaged: they are here very intent upon some other things, that they do not speak of. I do heartily wish that these Affairs may not disturb his Majesty, to the increasing of his distemper. May God put his hand to all, and preserve your Lordship's most Illustrious and Reverend Person, and encrease your State for many years, as I desire.

From *Trent* the
18th of *Decem-*
ber, 1551.

I kiss your Lordship's Hands.

Doctor Vargas.

P.S. Your Lordship's Letters have been delivered to those to whom they were addressed, who do all kiss your Lordship's Hands, but particularly the Archbishop of *Sazar*, who desired me to acquaint your Lordship with the sense he has of the favour your Lordship did him therein.

Dr. Vargas's Letter of the 24th of December, 1551, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

GOD give your Lordship many happy *Christ-masses*: I should have been glad to have done this in Person; but since that cannot be, your Lordship will, I hope, accept of my Will, which is the same your Lordship has for several years known it to be; than which, I can say nothing that can endear it more.

I kiss your Lordship's Hands for the favour of your Letter of the 20th Instant, and for having acquainted me with your being in Health; which was
the

the best News I could receive. May God preserve it to your Lordship, as I desire; which is a necessary Prayer, considering how your Lordship is overwhelmed with Business; neither can your Lordship be otherwise than surfeited with these Affairs; for I am sure I am abundantly.

The Electors have taken a better Resolution, not to make any change without his Majesty's License; which though they do still insist to have, we shall nevertheless have the more time to answer them, and to receive Orders from Court: Concerning which Affair, since *Don Francisco* has writ at large, there is no need of my repeating it. Nevertheless, being informed that he has writ so to his Majesty, and has given his Opinion in an Affair of so great moment, though I cannot do it by this Currier, I will in a little time acquaint your Lordship with my Thoughts of it; though considering the perplexity thereof, and the conveniencies there are on both sides, it were much more advisable to hear, than to speak concerning it. *Don Francisco* being a Man of Integrity and Prudence, and withall very Zealous for his Majesty's Service, cannot but speak well in all that he writes: Nevertheless, this is an affair of that importance, that he had need look narrowly into it, that treats about it, that so God's Service and his Majesty's Honour, which go hand in hand, may not suffer thereby, and especially considering, to what terms things are brought. May God direct and ordain what is most expedient for his own Service, and preserve and prosper your Lordship's most Illustrious and Reverend Person and State for many years, as I desire.

From Trent the
28th of Decem-
ber, 1551.

I kiss your Lordship's Hands.

Doctor Vargas.

Dr. Var-

Dr. Vargas's Letter of the 29th of December, 1551, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

I Do here perform what I promised your Lordship in mine of the 24th Instant, which was to write to you concerning the Suspension of the Council, which is now so hotly talked of here, desiring that what I write, may be communicated to his Majesty.

Now though considering in what forwardness things are here. it is possible I may have little to say that will be of any importance, and considering how your Lordship keeps up with all business, I may have nothing to offer that will be new to you: Nevertheless I shall, as in duty bound, acquaint your Lordship with my Thoughts thereof; which though at present they may not, may hereafter signifie something. I do not know whether, by reason of the copiousness of the Subject, I shall be able to be so short as I desire.

The Pope, as your Lordship very well knows, has all along pretended to two Things: The first and chief is to have the Council suspended; and in case he failed of that, then to make all the haste he could to bring it to an end, thereby to free himself from such a Yoke. I formerly acquainted your Lordship with the Pope and his Ministers, being hard at work to bring this about, the Legate having publicly declared that the Council might end by *May*: Nevertheless the Suspension, if feasible, is the thing they chiefly desire, and are labouring hard at this time to compass; and that for the following Reasons.

1. Because if they should prosecute and put an end to the Council, they will not then be able to avoid the encountering of one of these two Dangers; either of being obliged to consent to such a Reformation as is necessary; which rather than yield to, they will suffer all to go to wrack, or else they must give over pretending any longer, that it belongs to the Pope to reduce *Germany*, and reform the Church: Whereby they will justify Princes in applying proper Remedies to their own Kingdoms, by all just and holy Ways; which they reckon will be prevented, by not putting an end to the Council; because till that is done, they will still be able to gull the World, with their having an intention to do great matters, and will, according to their common practice, go on, imposing upon People with fair words and false colours.

2. By suspending the Council, the Pope may hope to gratifie the King of *France*, and procure his friendship so far, as to make an advantageous Peace with him; whereby his Court will hope, to draw the same Profits from that Kingdom, as they did before the Breach.

3. What-ever is done therein, they will be sure to lay it all at his Majesty's door; and will give it out, that they were not the Cause of it. This they are at this time labouring hard to bring about, by reducing matters to such terms, as may give some colour to that pretence.

4. By suspending the Council, they will hinder the Protestants from coming to it: Which is a thing the Pope and his Ministers cannot endure to think of, being sensible to what straits they will be reduced thereby: Since the Presence of those people will oblige them either to carry things after another manner than they have done hitherto, or will make them
infamous

infamous to the whole World ; neither was it any thing but this, that occasioned the Council's having met so frequently as it has done : So that we may very well have People coming hither, when the Council is drawing near its End.

5. They imagine that by delays, and gaining of time, they may compass their Ends ; and that the Council being once suspended, some accident or other may intervene, which may hinder it from ever meeting any more ; or that God, as some wish, may take away his Majesty, which I trust in his Mercy he will not do, his Life, at this time, being of so great importance to the Church, and to all Christendom.

Lastly, Because if they should put an End to the Council, though they should be able to do it in a short time, yet they cannot tell how it might succeed ; or whether the Pope might not be thereby hindered, from doing what he judgeth to be most convenient for himself and his Court ; and if, during that time, there should happen to be a vacancy of the Holy See, whether the Council might not intermeddle therein, with more vigor and justice, than it did the last time, by reason of the doubts and differences which were then on foot. Now they reckon they shall be freed from that danger by suspending the Council, which will, in effect, be the same as to dissolve it ; and the Cardinals will, for their own interests, be sure to further a thing wherein, if there should be a vacancy, the Papacy is so much concerned.

For these and other Reasons it is, that the Pope and his Ministers are so desirous of having the Council suspended ; nevertheless, that they may not break with his Majesty, nor seem to have done it themselves, they do not desire to appear to have been the

Authors of it, and would have it thrown upon his Majesty; being, so far as I can perceive, in great hopes, that the Electors growing sick of the great charge they are at here, will be for going home in a short time; neither are the Legate and Presidents less desirous of having that done, on account of their own private interests.

The Elector's design in this, I mean those of *Mentz* and *Triers*: For as for *Cologne*, who is an extraordinary Person, he refers himself intirely to his Majesty, is of another nature; who being such great Princes and Prelates, and Servants of his Majesty, are willing to return home to look after their own particular Concerns; the Rumours they hear of the Tumults in *Germany*, making them judge it necessary that the Council should be suspended; and the rather, because without the concurrence of *France* they reckon a Council cannot be celebrated to any purpose; or so as to be received by the *Germans*: This makes them to be very earnest to be gone; and it is probable they are at this very time soliciting to have leave.

What remains to be considered, is, Whether it will be as convenient for his Majesty, as for the Pope, to have the Council suspended; considering the present posture of Affairs, and the Rumours of *Germany*: It appearing to be to little purpose to hold a Council for that Province, which will never make such a Reformation as is necessary, and that too without the concurrence of *France*: Moreover, it cannot be for his Majesty's honour that a Council should end as this will in all probability, and that in a short time: I say, this may make it appear to be the wiser course to have the Council put off to a better time, than for to have his Majesty involve himself in new difficulties. This, and divers other things,

things, must be well understood by such as observe them with zeal and prudence, and as are desirous to direct and serve his Majesty ; as to which, I am sure I am not wanting. Now this being supposed to be a business of great moment, and that has considerable difficulties and inconveniencies on both sides, that must make my judgment about it, to be conditional ; and so far doubtfull, as to reckon that That will be most expedient, which his Majesty shall command, and which shall seem to be so to your Lordship ; which, what-ever it is, I shall always approve and follow.

What I have to offer, if no new Matters or Necessities do arise, which may require the taking of new Measures in reference to the Affairs of *Germany* ; or if no other Methods should be found out, or if there be no Secrets, as there are commonly with Princes, which may persuade the contrary ; I say, what I have to offer under all these Restrictions, is, That this is not a time to admit, or so much as to speak of a Suspension ; it being much more convenient, notwithstanding all the difficulties and disturbances in *Germany*, to have the Council prosecuted ; and since the Council cannot be suspended without going backward, in the present state of affairs, this seems to be the best decision of the doubt. Since the suspension thereof, if I am not deceived, will be attended with inconveniencies that are greater beyond all comparison, than the prosecution thereof will be ; notwithstanding it should make no such Reformation as is pretended, and is necessary, our sins, and the iniquity of the times, not giving way to it. In which case, I still speak so, as upon no terms whatsoever to give way to the Pope and his Ministers deforming, under a pretence of reforming, for to canonize Abuses : and doing all the mischiefs

I have formerly taken notice of at large to your Lordship; in none of which, from the beginning, I have been overseen or deceived. And as I have always, as your Lordship very well knows, urged these matters, so I do it still with greater instance.

Now the thing that is chiefly to be attended to herein, is, the End of this Suspension both at present and for the future; the End, as the Philosopher has it, being what moves the Agent. To this we must apply what has been above noted; *viz.* That as it is for the Service of God, that the Council, instead of doing good, should not be suffered to do mischief: So it is likewise for his Majesty's honour, that it should not end, as we have reason to fear it will, which may make it seem advisable to give way to its being suspended or put off to a more convenient time.

This is really such a difficulty, that I do not well know what to say to it; only that it would have been a happy thing that this Council had never met, which is no more than what I have often wished and declared, by reason of the many mischiefs it has already done, and is still doing: But there is no undoing what is once done, unless those people could be brought to recant, which they will never be brought to, though you should cut their Throats for refusing; and as it is to no purpose to think of that, so it is to as little purpose either in this or any following Age to hope for any thing of a Reformation from a General Council, or for to see any better Order therein, than there is in this; no, not though the *French* and all other *Christian* Princes were agreed, it not being to be done without making a Schism or some great Breach, unless God should be pleased to remedy things by some other way, or for to work a Miracle; which we have no
reason

reason to expect, since there is no necessity of it; God having made his Church a perfect Commonwealth, by having endued it with Power sufficient to remedy all such matters, if through vile Abuses, and an insatiable Thirst after Empire, she had not reduced her self to such a state as she is in at present, or if they who ought to watch were not fallen asleep; and whosoever shall go about to persuade himself that things are otherwise than thus, do's but deceive himself; as they do also, that expect that the World, as it is at this time divided, and every Prince is gaping and contending after Empire, that there should ever be a right understanding among them. *Plato* assuring us, that where things are so, it is in vain to hope for Peace: which is never to be expected, untill all is brought under one Government. The same Truth is confirmed to us likewise by Experience; witness the manifold Miseries which have befallen the World since the beginning of the decay of the Empire: Which being considered, I do not see what can be hoped for at this time or hereafter.

All this being premised, what remains, is to enquire into this matter so far as his Majesty's honour is concerned therein: Which I do reckon to be so closely linked to the Service of God, that there is no separating them without bringing all to ruine. What occurs to me at present, why the Council ought not to be suspended, is,

I. Because a Suspension is earnestly pursued by the Pope and his Ministers; which, if there were nothing else, is reason enough for his Majesty's being against it: there being nothing plainer or better known to the World, than that their Designs and his Majesty's are quite contrary to one another in these matters.

2. Because let a Suspension be brought about as it will, his Majesty must bear the whole blame of it, and be charged with all the ill consequences that shall attend it: For they will be sure, according to their old craft, to make it his Majesty's, and not his Holiness's doing.

3. Because the suspending thereof, after it has sat so many years, and has had so many Debates and Sessions, will create a great deal of talk, and must make sport for the Hereticks; who will not fail to say thereupon, That his Majesty gave way to it, either because he was not able, or did not care to humour the Pope.

4. Because any Suspension, and especially if it should be at the next Session, must, in my judgment, tend as much to his Majesty's dishonour, as it will be in favour of the *French*, who cannot be obliged by any thing so much as that; for they will reckon that their having protested against the Council both here and at *Rome*, was what caused it to be suspended; neither will there be much notice taken of its having been prosecuted for some time, after that was done, so long as the *French* have gained their point at last, which was the Suspension of the Council; so that unless there should be an extream necessity in relation to God's Service: This alone, in the present state of his Majesty's affairs, is sufficient to hinder him from giving his consent to its being done.

Lastly, If there should be a Suspension, it will be necessary that some Prelates should still remain here, who, if they should be all *Spaniards*, the Churches in *Spain* will be left desolate; neither will their remaining here signify any thing, if they are not a considerable Number: Besides, as when-ever that happens, it will undoubtedly involve his Majesty in new Troubles and Engagements, so it will not be possible

possible to assemble the Church so again ; or if that could be done, there will then be no more ground, but rather less to hope for any thing of Reformation than there is at present , since people will be quite tired out with the length of it. We ought not therefore to deceive ourselves, by promising our selves things, which no humane Prudence will suffer us to hope for.

Having taken notice of the inconveniencies which will attend the suspending of the Council : I come now to set down the Advantages which will accrue to his Majesty by having it prosecuted, notwithstanding it should not make such a Reformation as is necessary.

Now in all that I offer on this Head , I do still suppose, that his Majesty will, as he has done hitherto, still continue to solicit his Holiness by all necessary Offices, that things may not be carried here at such a scandalous rate as they have been hitherto; and that he will take care that no occasion be given to the Council for to disperse it self, upon the Pre-late's speaking their Minds freely, or denying their consent to such matters as are not convenient, which is a thing that may very justly be feared.

The first Advantage is, That since the times will not give way to more, a Council will still have been celebrated by his Majesty : And in having done that, notwithstanding all the Disputes, Wars and Contentions to the contrary, his Majesty will have gained his main Point; and there will be but few who will know the truth of matters, and especially in succeeding Ages.

2: Though there should not be such a Reformation in all things as is necessary, there will be in all matters of Doctrine; and it will be a great Point to have all such matters decreed and made perpetual:
For

For suppose the Hereticks should seek out flaws in the Council to excuse their not receiving it, that will be no new thing; and it is probable they would do the same, if the whole Church were reformed; but they will not last long, after the Church has done all that was in her power: For after this is once done, his Majesty, and other *Christian* Princes, will have wherewith to compell the Hereticks, when any good juncture shall happen, or when they shall judge it to be convenient: And for other things, Remedies may be found for them.

3. After the Council has done all it can as to Doctrines, if through the opposition of the Pope and his Ministers a Reformation cannot be obtained, which I do verily believe they will never consent to, neither in a Council nor out of one: Besides, that his Majesty will, by what he has done, have discharged a great Duty; he will also be better able to justify his calling Provincial Councils, and his making use of all other just and pious Methods, for the remedying and reforming of his Kingdoms, than he would be otherwise: That being no more than what has been done formerly, and may, in the judgment of all pious and learned Men, be repeated again.

4. By how much the War goes on increasing, there is the greater necessity of the Council's being continued, in order to the prosecuting of one of the chief Ends for which it was assembled; which was the making of Peace among all *Christian* Princes: For which, and several other good Reasons, it is no way convenient, that the Council should be suspended; for besides, that to suspend it, is in effect the same as to dissolve it; so in case of a vacancy of the See, and of several other things, it will be expedient the Council should be kept on foot.

Lastly

Lastly, To continue the Council till the War is at an end, is of great moment ; that being, in my judgment, one of the best means his Majesty can make use of to keep the Pope, whose friendship at this time is so necessary, firm to his Engagements : It being evident from the usual inconstancy and mutability of that Court, and from several other things, which are well known to your Lordship, of how great importance it has been to the Service of God, and to the publick Good, that the Pope has been obliged to preserve this Union.

But if, after all that has been said, his Majesty should be compelled either thorough the Changes and Tumults of *Germany*, or the War in *Italy*, or the Departure of the Electors, upon its being necessary for them to repair home, or for some other Reasons to consent to a Suspension ; it will then be convenient to consider, Whether the time of the Suspension ought not to be limited, which I take to be a thing of great importance.

But if upon what is here represented, a Resolution should be taken to have the Council continued, so as not to suffer the Suspension thereof to be so much as mentioned ; we are then to consider, when it will be convenient it should end ; which is a thing his Majesty must be sure to take care of, and to see that That be so ordered, as may best suit with his affairs ; and the Elector's occasions, upon whose Presence here very much depends ; as also whether the Protestants will come or not ; and whether it may be convenient, that the *Atricle de Communionne sub utraque specie*, which is now suspended, should be determined in the next Session ; which ought not to be, no nor that of the Marriage of Priests neither : both which ought to be put off to the very last Session. In which, by what I can perceive, and his Majesty must see it like-

likewise, there will be trouble enough, through the Pope's labouring all he can for several weighty Causes, to have the Council quite locked up; or whether it may not be most convenient to leave those Articles to be determined by another Council, which may be named, though it were never to be celebrated, that so there may still be a door left open, and something that is dispensable for the publick Good; of which nature all such things are, as are not of Faith: For who knows but *Germany* may come to be in such a state, that these things may suffice to reduce it, as it did in the case of the *Bohemians*.

And since there is no likelihood of the Council's not ending after the same fashion, as it has proceeded: Besides, that it will be for his Majesty's honour that those Articles should not be determined, it will likewise prevent his Majesty's being compelled to execute those Decrees of the Council before he is ready for it; and may also prevent the *Lutherans* being so far irritated and provoked as to listen to the Persuasions of the *French*; which is a thing ought to be carefully looked after.

May our Lord direct all things, as he knows to be most needfull, and guide his Majesty, who employs himself wholly in his Service, into what is most convenient; and may he likewise preserve and prosper your Lordship's most Illustrious and Reverend Person and State for many years, as I desire.

From *Trent* the
29th of *Decem-*
ber, 1551.

I kiss your Lordship's Hands.

Doctor Vargas.

Dr. Var-

Dr. Vargas's Letter of the 1st of January, 1552, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

THree days agoe I writ your Lordship my Opinion at large concerning what we are doing here, to which I have little to add, only, that tho' I have thought much on these Affairs, yet considering they are matters of great Importance, and there are great Inconveniencies on all sides, it is possible I may be mistaken in them; so that as I have said formerly, I shall then reckon my Judgment of them, something, when I shall understand that your Lordship esteems it so.

The Electors of *Mentz* and *Triers*, seem to be fully determined to leave this place, so soon as they have received his Majesty's Answer, which *Don Francisco* has promised they shall have in a few days; who, though they are both Prelates of great Honour, are much out in this matter, and will be more so, if they should go without his Majesty's leave: For it has made a wonderfull change in the Synod, they who are glad of it, whom we need not name, talking thereof, and reporting it after such a manner, as plainly discovers what they have in their Hearts; all their talk now being of a Suspension, or Dissolution of the Council, and of the Legate's being ready to depart, and of *Pighinus's* being to remain here: All which makes it necessary for us to have his Majesty's Commands immediately, which though I do not know whether they may be able to stop the said Electors, will nevertheless, smooth things very much to us.

The

The Elector of *Cologne*, who has got great Honour here, by having on all occasions demonstrated himself his Majesty's Servant, and who deserves to be thanked for it, will, I doubt, be apt to be influenced by the other two, whereas, if he would still remain here, the other two's going would trouble us the less, who though they pretend Necessity, and to have a good Intention in what they do, have not considered this Affair as they ought to have done, and how great a Change it would make here, and how prejudicial it might be to his Majesty's Affairs in this present juncture; and how the *French*, who will be glad of it, will make use thereof to their advantage. I shall be in pain till I know your Lordship's Thoughts concerning this, which I am in likewise to see your Lordship so overwhelmed with Business, at a time when the World is turned upside down. May our Lord put his helping hand to things, and preserve and prosper your most Illustrious and Reverend Person and State for many Years, as I desire.

From Trent the
1st of January,
1552.

I kiss your Lordship's Hands.

Doctor Vargas.

P. S. I have forbore to write some things to your Lordship, which will be communicated to you by Monsieur *Vargas*. May God grant your Lordship many happy Years.

Dr. Var-

Dr. Vargas's Letter of the 2d of January, 1552, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

I Do remember that I have on several occasions represented to your Lordship, the Person, Merits, and Services of the Bishop of *Venosa*, and particularly what he did at *Bononia*, and afterwards in this place, where he continued two Years, till he was called away by the Cardinal *Jaen*, who assured him it was for his Majesty's service, for the promoting whereof he is now returned hither again; and who being a *Spaniard*, and the Son of *Spaniards* who were Servants to his Majesty, he cannot endure his present Bishoprick, which is at the provision of the Pope, and which I suppose he designs, for just Reasons to resign, he not being able, while he holds it for to do much. I do therefore most affectionately intreat your Lordship for to prevail with his Majesty to bestow one of the two Churches that are now vacant in the Kingdom upon him; they are the Churches of *Aguila* and *Cotron*, and are worth 700 Ducats a piece, for besides that he deserves it, and a great deal more, it will be taken well by every body, that his Majesty remembers him, and so it will be a kindness to a great many, and will much animate those that are here. Were your Lordship but acquainted with this Bishop, there would be no need of recommending him to you, for he is certainly both one of the ablest and best men that I have met with.

Dr. *Velasco* is able to give you an Account of him, and whatever he shall say of him, will certainly be true; so not doubting, but that your Lordship will
do

do this Favour to all, and to me in particular, I will say no more, only that if we did any thing when we made the Protestation at *Bononia*, and that I escaped with my Life, it was owing, under God, to this Bishop: In which Affair he pretended to nothing but to serve his Majesty, for which reason, after I had made the Protestation, he came hither like an honest man as he was. Our Lord preserve and prosper your Lordship's most Illustrious and Reverend Person and State for many Years, as I desire.

From *Trent* the
2d of *January*,
1552.

I kiss your Lordship's Hands.

Doctor Vargas.

Dr. Vargas's Letter of the 9th of January, 1552, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

HIS Majesty's Dispatch came as full to the purpose as could be desired, or might be expected, coming through your Lordship's Hands, in which I do receive a full Answer to all the Letters I have writ to your Lordship, which having been many, and some of them very long, one so employ'd as your Lordship is, and especially at this time, could not have answered them particularly without giving himself too much trouble.

An Account of what has pass'd with the Legate, and on what Terms things are here having been writ by *Don Francisco*, I shall forbear writing thereof, only as to the safe Conduct I have drawn it up as I think it should be, having retained the substance of that

that of *Basil*; as I have also a Memorial concerning the Provisions of the Crown, about which the Legate has declared he will have a tug with us: They were both delivered to the Legate by *Don Francisco*, who is now soliciting them, as he do's every thing wherein his Majesty is concerned: The Legate, so soon as he had them, dispatched them to the Pope; without whose Approbation, as near as the Session is, he will not determine what shall be done in them, and especially being so well disposed as he is for the Reformation they contain: To which I take him to be so averse, that he will die sooner than agree to it: Nevertheless, he is at present in a great fright, the sight of his Majesty's determination having filled him with fears, the suspension he had set his heart on so much being thereby defeated, the Synod being to go on; besides, things are not so altered in *Germany*, as some people desired; and the Electors are to remain here, and the Protestants do intend to come to this place: Which last, is a thing the Pope and his Ministers are not able to dissemble their being displeased withall; who though I cannot tell what they may do, I am certain I have often writ it to your Lordship, that they will never do any thing to any purpose, if not soundly pressed and terrify'd into it. I pray God that may be able to do it, that we may have no more struggling with them.

As to the matter of Benefices with Cure, *Janus* has writ that his Majesty, so that they be but well ordered, will be satisfy'd without having them declared to be Patrimonial; and whereas the Legate gives out, that his Majesty has some design therein; it is certain he himself has one, and that is very well accommodated to the doing of nothing to the purpose, and who will reckon he has carried his Point,

if the drawing up of that affair be left to him, for he will be sure to lodge the provision to them in the Pope, and abounding with words and sophistry, will open a brave field for the future. *Don Francisco* must have writ at large concerning this matter; all that I have to say thereon is, what I have formerly writ to your Lordship, which is that I am not, nor will ever be for having matters of so great importance, and whereon so much depends, handled and established after such a manner, which would have no other effect, but to shut a door for ever against all future remedies. Whereas it is much better for us to suffer our present Grievances to remain as they are, and to wait for the Remedies which God at some time or other will help us to, than by being discontented with them, to shut a door against them by those insignificant things the Legate has in his thoughts, which, so far as I can perceive, are contrary to the things his Majesty desires, and as is plain from a Letter I have seen that was writ to *Don Francisco*, to what it is said he told *Janus*. Wherefore if your Lordship is not of another opinion, the thing to be done, in my mind, is, That his Majesty must insist on having Benefices declared to be Patrimonial, without descending to any particulars; which if it cannot be done in this Session, the Legate must be spoke to, to adjourn it to the next, that we may have the more time to treat about it, and may obtain more from the Pope than we can expect to have from the Legate. It will likewise be necessary, before we come to treat thereof again, to consider well what course we are to take therein; for notwithstanding the Prelates are all honest Men, and of great Zeal; nevertheless if we do not take care to prevent it, we shall have the Legate satisfying them with things which many of them do not under-

understand, and others cannot fall into the account of in so short a time as the Legate will allow them, who puts every thing off to the Vespers of the Session.

It is furthermore convenient, that we should begin now to consider, what will be fit to be done at the end of the Synod, whenever it shall happen, and to provide against Accidents, and particularly concerning some things that relate to the Authority of the Council and his Majesty's Service: About which, as I shall not fail to employ my Thoughts, so I shall at sometime or other acquaint your Lordship therewith, whose most Illustrious and Reverend Person and State may God protect and prosper for many years, as I desire.

From Trent the
9th of January,
1552.

I do kiss your Lordship's Hands.

Doctor Vargas.

Dr. Vargas's Letter of the 10th of January, 1552, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

I Writ yesterday to your Lordship, as I do now again in haste, referring you to what *Don Francisco* has writ concerning the whole Business, and particularly about the Speech that was made this Morning by Duke *Maurice's* Embassadors, who spoke with much more freedom, than the Pope and his Ministers would have had them to have done: It is to be feared, that if those Embassadors do insist on their Pretensions, that such a Rupture will follow thereupon, as will oblige them to depart, and hinder

the other Protestants from coming hither, with which the Legate will be very well pleased, only he do's not care that the scandal thereof should fall upon the Pope and his Ministers: It will be convenient therefore, that we should make it plain to all the World, that his Majesty was no ways accessary to it, as I writ to your Lordship on the 20th of the last Month. We must therefore do all that we are able to prevent it, that so we may see what sort of Reformation the Pope will be pleased to give us, though, as I have often writ to you, I have little hopes of ever seeing any good done either by him or his Legate; neither do I see any cause to change my Thoughts of them. As for the Legate, he will do all that he is able, to hinder the granting of such a safe Conduct as is desired; and before he will conclude any thing, he will be sure to consult the Pope about it.

Your Lordship may now judge whether I was much mistaken in the account I gave you of the Legate's having got the Seal into his possession, with which he do's not care to trust the Synod; than which, as nothing in the World can be more unreasonable, so it lets every-body see, that the Synod is not for to exercise any authority: And whereas the Legates were formerly earnest for to have the Synod return an Answer to the Kings of *France* and *Portugal*; now they do not care they should write to any body, neither do I see how they can do it, now the Legate has got the Seal into his possession; for let them write to whom they will, he will never let them have the Seal, *As the Universal Church assembled.* Now should the Protestants fall into the account of this, as I do believe they will, I do not know what Effects the want of that Title may have in the safe Conduct. It is therefore necessary that his Majesty

jesty should order what is most convenient, and that the Legate be acquainted with his determination.

As to what remains, having it before my Eyes, as I have formerly writ, that this Synod must end tumultuously and ingloriously, for that reason, and for the security of his Majesty's honour, it is necessary that we should be provided, against what may happen; concerning which, after this Session is over, I shall write what occurs to me: As to *Maurice's* Embassadors pretending, that the Bishops ought to be Absolved from the Oath they have taken to the Pope, and that the Pope ought to submit himself to the Council; I have said privately, they have no good intention therein, but do design thereby to maintain their Heresie. Now if the Pope would but yield to this as it is reasonable he should, such a course might be taken, that he should suffer nothing thereby, and the Protestants would then be left without excuse. But this is a thing not to be expected; for the Pope and his Ministers will sooner suffer their Throats to be cut, than part with an inch of their Pretensions; so that if we do end in a Tragedy, it will not be a thing to be wondred at. I shall not fail to give an account of all that passeth to your Lordship, whose most Illustrious and Reverend Person and State, may God preserve and prosper for many years, as I desire.

From *Trent* the
10th of *January*,
1552.

I do kiss your Lordship's Hands.

Doctor Vargas.

P.S. This Letter was writ in such haste, that I do not know whether it can well be read, or whether I have done that well I pretend to do therein.

Dr. Vargas's Letter of the 13th of January, 1552, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

WE are strangely embroiled by the Legate, who seeing the Embassadors of *Maurice*, and of the other Princes here; and hearing there are more on their way, his Soul is ready to leap out of his Body, to send those that are here home, and to keep the others from coming: To which end he is, to our great trouble, daily starting new Difficulties and Delays concerning those of *Wirtembourg* and *Strasbourg*; who, if they would depart, would gratifie him very much, that being the thing he is driving at, being sensible, that by giving an Audience to those Embassadors, which he cannot now well excuse, he shall open a door to the rest, a thing both his Master and he do abhor the thoughts of, and are doing all they can to hinder; to which purpose he is continually starting new Difficulties about the safe Conduct, denying the Seal also to the Council, which is never to use it, but when he shall think fit, and doing it after such a manner, as astonisheth every body that observes it. *Don Francisco* has pressed him very hard to have it dispatched in this Month, but he takes little notice of what he says to him; and is so much disordered, as not to seem to value the Protestants one farthing.

Farthermore, he is extreamly sollicitous to have the Session suspended; and should he so manage affairs, as to have it done at his Majesty's request, it will be his Master-piece: There is no doubt to be made of this being the thing he aims at, whose intent

tent therein is quite different from that of the Protestants, though they may both have the same issue; it being notorious that the thing he drives at, is to prepare a way for his so much desired Suspension; after which the Council would quickly break up, and the Protestants, who are on their way, would return home, to his great satisfaction.

Don Francisco and I have had several Consults about this, and some other Affairs; an account whereof he must have writ to you; as also of his desiring to have leave, in case they should suspend the Council, to protest in his Majesty's Name against it. The Case is disjunctive, thus: Should they suspend the Session at the request of his Majesty, and the Council should happen afterwards to be dissolved thereupon, or some new Difficulties should arise, they will in that case be sure to throw all the blame upon his Majesty, as they have always designed to do. On the other hand, Should his Majesty order the Session to be celebrated at the time appointed, and the Protestants, who were to follow the Embassadors of *Maurice*, should not be arrived; in that case they will not fail to put his Majesty in the wrong.

Being sensible that this is their Plot, I acquainted *Don Francisco* with it, as I did also with my Opinion about it; which is, That his Majesty should do neither the one nor the other, but should leave it to the Protestants, who have not as yet desired any thing of the Council to Petition for it: And as it would be a happy thing if the Legate would but give them the hearing in such a case; so if they are to do it, it is necessary that his Majesty should speedily acquaint us with what he would have done in this affair; as also in the business of the Elector of *Brandenbourg*, whose Envoys, as *Don Francisco* must

must have writ, do begin to talk of returning home; which they will certainly do, if their business is delayed much longer.

As to the Seal, which the Legate denies to give to the Synod; as it is a prodigious thing, so I think it is absolutely necessary to have it remedied; for besides, that the Protestants will undoubtedly lay hold thereof, it is in it self so great nonsense, for it deserves no better title, as ought not to be endured.

As to the affair of Benefices, *Don Francisco* has with much ado prevailed with the Legate, not to propose what he intended, at the next Session. This is a thing that gives me no small trouble; for I do see plainly, that the Legate is taking that course to compass it, I formerly hinted to your Lordship.

But the thing, of all others, that gives me the most trouble, is the Legate's pretending, that he is informed by *Janus*, that his Majesty is contented to have the Affair settled as the Legate would have it; notwithstanding the contrary plainly appears from his Majesty's last Dispatch, about which I had taken so much pains; his Majesty having therein by no means allowed, that the Provisions to Benefices with Cure should be lodged in the Pope: His Majesty's meaning in those words, *That they shall consider, treat of, and conclude some way, &c.* and that they shall be given to such as are worthy, being, that it shall be done by some way, if it is possible, that is equivalent to their being made Patrimonial, by a mature Consideration and Discussion of the Matter. Now in case they were to be lodged wholly in the Pope, and the Settlement thereof were to be worded according to the Legate's interpretation of *Janus's* Letter, there would then be no need of treating or
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concluding any thing about it, which his Majesty has ordered to be done; for it would certainly be both the most senseless and prejudicial thing that ever was passed; as I have formerly declared, having opposed the Legate in what he would have done therein; having likewise writ my Thoughts thereof to your Lordship, his Majesty having commanded me to do so when there should be occasion.

Finally, This Point we are on at present, is the most substantial and dangerous thing that can be as to the coming and departing of Protestants, as to the doing of any thing here to the purpose, and as to his Majesty's compassing his Ends, and reaping some fruit of his great Labours, and as to the ruining and disgracing of all. But let things go as they will, I shall have this comfort, That his Majesty, if they do not go well, will be no ways accessory to it, and that it will be manifest to God and the whole World, that it was the Pope and his Ministers having endeavoured to engross all to themselves, without having any regard to the remedying of what is amiss, that has been the Cause of it; which Remedy may God himself give to his Church, and preserve and prosper your most Illustrious and Reverend Person and State for many years, as I desire.

From Trent the 13th of January, 1552. I kiss your Lordship's Hands.

13th of Janu-

ary, 1552.

Doctor Vargas.

Dr. Var-

Dr. Vargas's Letter of the 25th of January, 1552, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

THE Session has been celebrated with the Suspension of the Doctrines, but without doing any thing in the business of Reformation: It being impossible to come to a conclusion with the Legate, about any thing of that kind; which, considering how he manages and carries Matters here, I do reckon to be no great damage.

The Legate has at last pronounced the safe Conduct, and your Lordship will easily imagine what pains we have been at to bring him to it: He pretended to add some Clauses, and take away others, which cost us a great deal of trouble: Insomuch that we do reckon that we have done a mighty Business, in having procured it in the form you see it in, and, in truth, we were very near having come to a Rupture with him about it. I pray God the Protestants may be satisfy'd with it, since abating some things which were not convenient, and others we were forced to qualifie, because there was no possibility of persuading the Legate to yield to them; particularly that concerning the free Exercise of their Rites, which was by his Majesty's Order so qualify'd, as only to amount to a Toleration, so as not to be liable to be punished for any Excesses in the Matters of their Religion, &c. but without granting them an express License, as the Council of *Basil* did to the *Bohemians*; as also the manner how they were to handle their Controversies; for there being no possibility of bringing the Legate to admit of that Clause

Clause of the Council of *Basil*, we were out of pure necessity forced to let it pass as it is, which I hope will give content, it being said, *Et signanter quod causa controversa tractentur*; which as it implies as much as the Protestants desired, so in having used only the word *tractentur*, they will not be obliged thereby to submit to the Decrees of the Pope, or to any such matters; there did not want those who were very earnest, to have had the word *iudicentur* added; which would have extremely exasperated the Protestants, because thereby the Council would have been made their Judges; which was all that the Legate ever pretended to: But this, and several other such things, were opposed by those of our Party, Dr. *Malvenda*, notwithstanding his indisposition, behaving himself therein to admiration: I say, these Particulars abated, this safe Conduct is the substance of all that they desired, and the same with that of *Basil*.

After we had overcome these, and several other Difficulties, the Legate was for having the Clause, that contained the Pope's promise for to run thus: *Pro sanctissimo Domino nostro*; about which, after there had been a great deal of stir, at last we agreed that neither the Pope nor his Majesty should be named in it, but that it should run thus: *Pro principibus tam ecclesiasticis quam secularibus*; so that it was the Eve of the Session before we came to an agreement how it was to be, the Legate having insisted upon having the words *quantum in nobis est* added to the Clause of Security, which we got by pure dint of Reason to be left out.

This is all that relates to the safe Conduct, which, in point of security, and other things, is as full as the Protestants can desire to have it; unless
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to justify their pretences, they are for finding flaws in every thing.

Don Francisco has taken a great deal of pains to satisfy Duke *Maurice's* Envoys, but to little purpose; who do still insist on this, That they cannot exceed their Commission, in yielding to the change of one Title, in the safe Conduct of *Basil*: His Majesty must be pleased to concern himself in this, and not for to suffer all to depend on those to whom he gave but little safe Conduct for what they did yesterday in the General Congregation, in which they proposed all that they had given in before to our Embassadors, with the addition of some other bold things.

In the Congregation that was held yesterday, and in that of this morning, the Envoys of *Wirtembourg* having presented their Powers, deliver'd in therewith a Book of their Confession, and certain Heads of their Pretensions; a Copy whereof I do here send your Lordship: It would be a large History to relate all that has passed with the Legate, before we could get him to admit these people; of which *Don Francisco*, who did, and is still doing all that is possible, must have writ at large: for, the truth is, we had a very hard tug of it.

As for the Legate, since his having heard the Propositions which were made and spoke to by the Envoys, he do's things that are astonishing; for besides, that he made the Synod before they were heard for to enter a Protestation, of which I here send your Lordship a Copy, he would needs have had it repeated again at the publick Session, till I convinced him of the inconveniency thereof, as I did also of several other things, by telling him that it would be much better to let the doing of it after such a manner

manner alone, and not to add any Clause to it that was odious; which I obtained of him, and so it passed as it is. With this I do reckon the War is actually begun; for that after the granting of this safe Conduct, and the security it promiseth, *Melancthon* and his Companions, will have nothing to plead in excuse for their not coming hither, and that speedily too, the next Session being ordered to be held on the 15th of *March*; after which time I believe it will be impossible for us, without breaking with the Pope, to obtain a longer term, he and his Ministers being in a terrible fright thorow their imagining, that our aim in these delays is to procure a Reformation: But as I was always satisfy'd of what was his Majesty's intentions therein, I was much more so by his last Letters concerning this delay and the next Session. On the 20th Instant I acquainted your Lordship with what had passed here, in reference to the Doctrine of Order, and with some Clauses being therein, that are extreamly prejudicial to the Church, in general, and in particular to the Rights of Bishops, Provisions of Benefices, and the Dignities and Patronages that belong to Princes in Cathedral Churches, and, above all, to his Majesty. The Clause which destroys all these, and both condemns the Primitive Church, and obstructs all Remedies for the future, I do here send your Lordship, as I do also the whole Doctrine, which has several such pernicious Clauses in it; to all which I have set a mark. Now as I do not think there is any thing of greater importance than this is, so it is visible the Legate has set his heart extreamly upon it, and is very angry with the Prelates for being aware thereof; and who for that reason finding, that he should not be able to pass it in the hurry of a Session,

a Session, he has ordered the Doctrines to be put to the Vote the next day after to morrow, his Soul being ready to leap out of his Body to carry this Point, with all its pernicious consequences; whereof the chief is, That all Power will be given to the Pope. I have already advertised *Don Francisco* thereof, who is prepared to do all that he is able to hinder it; Nevertheless, I am still afraid that the Legate may carry this point, he having boasted already that he has given more to the Apostolical See, than was ever given to it by any that were before him. But besides what has been said of the importance of these matters, their having never been discussed or proposed must be insisted on, to put a stop to the Legate; who if suffered to do it in this, may take the same course in all other things; for since these matters have been suspended till such time as the Protestants have been heard, there is no reason why they should be concluded and agreed on by the Synod, before that has been done, since that must defeat the Suspension, and the Protestants will be heard in a Cause that is pre-judged. Now all that can be done here, serves only to gain time; the Remedy being to be had no-where but at *Rome*, where his Majesty must do all he can with the Pope, to put a stop to this business: God grant he may succeed in it. For I can see such things preparing, that unless we will be content to suffer great Mischiefs to be done both to the Church and his Majesty, this Synod must end in a Tragedy: And what a miserable thing is this, that in such a Prince's time, such things as these should be suffered to be carried on with so great Violence, by the Legate, who affronts and threatens all that have the courage to oppose him in any thing, and who, the other day, called
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the Bishop of Oren an Heretick : For my own part, I cannot imagine how such Excesses as these come to be endured, unless it be for our greater confusion.

It would be a long work to lay open the Reasons and Ground of all these Matters; but your Lordship, who has so quick an insight into things, will, from what I have writ here, and on other occasions, understand what my Thoughts are of them; and will see, that a short and speedy Remedy is absolutely necessary to the things we are here toiling about: For the obtaining whereof, and that I might give your Lordship an account of all that passeth here, was what disposed me to write so much at this time, when a multitude of Troubles and Business do so oppress me, as will scarce allow me time to breathe in, to the endangering of my health.

I forgot to tell you that the Legate being obliged to it by the great noise it made, has so far quitted the Clause, which would have given to the Pope a superiority over Councils, as to temper it, by putting only *uno*, for *unico & supremo capite*; whereas it ought entirely to have been left out, as an impertinent and unseasonable thing at this time, and in this place; for what occasion is there in the treating and discussing the Doctrine of Order, to make any mention of Jurisdiction; and what can be more impertinent than to be always thus inculcating the Pope's power; which, though great, is not such as the Legate pretends it is: For which reason the Legate would not suffer, nor so much as hear, of the Name of *Basil* being put in the safe Conduct, where it is said, *Praxis Christi & primitiva ecclesie*; notwithstanding the whole of what was contained in that passage, is put into it. I shall not fail, according to my duty, to advise your Lordship of all that is
done

done here, whose most Illustrious and Reverend Person and State may our Lord prosper and continue for many Years, as I desire.

From Trent the
25th of January,
1552.

I kiss your Lordship's Hands.

Doctor Vargas.

P. S. Don Francisco intends to write speedily, in whose Letters your Lordship will meet with a full Relation of all Affairs: This I do for your Lordship, having writ to no body else at this time.

I must return to put you in mind, that it is necessary the fore-mentioned business should be carefully looked after; for the Legate has very ill designs going on, and appears to be resolute in them; for he goes about Negotiating for Votes as if his Life lay at stake, which he looks upon as a very honourable Employment; I know the Presidents, particularly he of Verona, do not think well of this, and are much against adding those Clauses, and that principally which saith, *Unius dispensatione*, &c. no such thing having ever been done before; but the Presidents are things, the Legate makes as little account of, as he do's of other people.

Dr. Var.

Dr. Vargas's Letter of the 19th of January, 1552, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

HIS Majesty's Dispatch is just now arrived, and is as full as was necessary, or as I could have desired, or as might be expected, coming thorow your Lordship's hands. *Don Francisco*, after our having had some discourse together about the execution thereof, immediately dispatched away this Express, which is in such hast, as will not suffer me to enlarge; neither is it necessary I should, since *Don Francisco* has done it.

I am, and that for good reasons, extreemly solicitous to know what his Majesty would have done in case the Legate should not be persuaded to comply with what he desires: For tho' it is true, that he can have no reason for his refusing to do it, he nevertheless continues very obstinate, seeming to be resolved, by one way or other, to hinder or avoid any Congress with the Protestants: in which affair we shall be sure to have trouble enough with him. I pray God it do not end in such a disturbance, as he desires, and is now labouring to raise, upon his being defeated of his so much desired Prorogation, by his Majesty's having got the determination of the Doctrines to be suspended, as it was reasonable they should, and that without having the Session put off, which would have been attended with several inconveniencies I need not here take notice of, having some days ago acquainted your Lordship with them.

In case the Legate should not be prevailed with-
all, but should persist in his obstinacy, as he is like
enough to do, and that after a boisterous manner,
when he once comes to see how much the Pope's
and his own Reputation are concerned therein ; it
will then be necessary for his Majesty's honour, that
we, on our part, should be so provided for a distur-
bance, as to be able to make it notorious, that his
Majesty is not to blame for it : For whenever any
such contention shall arise, in the end, the Pope will
be sure to throw the fault upon his Majesty ; whom
we ought therefore to take care to vindicate, which
we may do easily, and without giving offence, by
keeping our selves always upon the Defensive, or by
having no great regard to the Pope's friendship ; from
which, if it hangs by so slender a thread as this is,
we can never expect any great matters : For should
the Synod be interrupted on this occasion, it will
be of great moment to us, and especially as to the
Affairs of *Germany*, to make it manifest to God and
all the World, that his Majesty was no ways the
Cause of it ; whose Honour, notwithstanding his
Endeavours have proved abortive, will be maintain-
ed thereby. As to the first of these ways, if it is
taken, we must manage it as well as we can with the
Legates : But for the second, we must wait till we
have his Majesty's Answer about it ; which the
sooner it comes, the better it will be. Your Lord-
ship may be pleased to consider likewise, Whether
it would not be convenient, to prepare the Pre-
lates for to oppose the Legate in his designs ; and
that the Envoys of *Wirtenbourg* and *Strasbourg*
should present their Propositions in a Congregation,
before the meeting of the Session, that so the Pre-
lates may know the better what they are to insist
on ; that in case any disturbance should happen, pub-
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lick Instruments may be made thereof; that what is done may not be left in Words, and private Transactions with the Legate, who will afterwards be sure to deny all, and will so disguise things as to make them appear as he would have them. Furthermore; if the Legate should, notwithstanding all we can do to prevent it, create some disturbance, either by not holding a Session, or by celebrating of one, and carrying his Point therein by a majority; for I have formerly told your Lordship what Work was going on here; it will then be convenient, that our Embassadors should have a publick Instrument prepared, which shall in few words, and a civil style, contain the whole force and substance of the Business; which Instrument may be delivered to the Legate and Presidents, either at their own Houses, or in the Synod, at a Congregation, or at the Session when the Legate shall begin to move the Points he is driving at. It being expedient both for God and his Majesty's Service, if this should come to end in a Tragedy, that there should remain some publick Instruments thereof, to testifie the truth of Things, to the present and all future Ages.

Your Lordship may be pleased to consider what is fit to be done; for whatever you do prescribe, will certainly be most convenient. I have enlarged more than the haste the Currier is in, could well dispense with. I shall ere long give your Lordship an account of a Business you will be astonished at, which is the Legate's having foisted several Passages into the Doctrine of Order, which must of necessity ruine all: Of which, before I observed it, and spoke of it, there was not one that fell into the Account; and indeed, considering how things are managed here, I do not at all wonder at it. By which means, and by the brutal Violences, Pretensions and

Obstinacy of the Legate, things are running into such a state, as must in the end, if I am not mistaken, make both himself and the whole Earth for to tremble; or if it does not make him, it must be because he is given over to a reprobate sense, as, in truth, he seems to be abundantly in every thing that he does: The Lord remedy things, and preserve and prosper your most Illustrious and Reverend Person and State for many years, as I desire.

From Trent the
19th of January,
1552.

I kiss your Lordship's Hands.

Doctor Vargas.

Dr. Vargas's Letter of the 20th of January, 1552, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

THIS very Afternoon I writ to your Lordship; the reason of my now Writing to you again, is to acquaint your Lordship with what they are doing here. *Don Francisco* has spoke to the Legate; and your Lordship may easily imagine, that what passed between them was exorbitant and like the Legate; however, they came at last to the Conclusion I mentioned in my former: *Viz.* That the Doctrines should not be determined; but as to the Canons of Reformation, the Legate, to this hour, is not to be persuaded to pronounce them; that being a Work he is not at all fond of; and when we desired him to take time to consider of it, and to give us his Answer to morrow; he declared he would not treat about it any more.

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Don Francisco, who is very sincere in his Actings, has since talked with me about it, desiring to know what I thought of it. I told him I was of opinion that it ought to be insisted on, so as to oblige them to pronounce the Canons of Reformation, that so his Majesty's Orders might be observed in all things; and that this might be made a Session, by having passed some judicial Acts: As also, that we might defeat the Legate, whose drift in all this is to make way for a Suspension; which, being the design of what he is doing, is a sufficient Indication of his having no reason on his side. Wherefore we are resolved to have another pull with him to morrow about it, and not to give over untill we have obtained it, if it is possible.

I am still afraid the Legate will compass his Ends; and though they may not determine the Doctrines, yet that they will finally resolve them into Canons by the way of Deputation, which will be much the same. I pray God they may never do it, nor be suffered to pronounce any Doctrines that are so dangerous, or any thing that is not convenient; since it is plain, that all they drive at, is to get all the Pope's Pretensions established, under the Doctrines of Order; and so, instead of healing, to destroy and ruine all: those being Matters which were never so much as proposed or disputed on in the Council; neither is it fitting, as things stand here, that they, or any thing else of the same nature, should be medled with in this Synod.

The Pope's Power, not only as to its Formality, but as to its Matter and Use, is, and has always been capable of being so ordered, as is judged to be most for the Edification of the Church. Now there are Clauses put into the Doctrines, which do not only pretend to condemn some Opinions in their

Heretical sense, but in a sense also that is maintained by Catholicks: For example; that the Ordination of Priests, or of the Ministers of all superiour and inferiour Orders, is a Sacrament, and belongs only to Bishops, is a Catholick Doctrine: Yet for all that, in the condemning of that Proposition of *Luther's*, That all Men are equally Priests; and, that there is no other Ordination, but that of the consent of the People; the Doctrine, That there is a Right in the People to appoint this or that person to minister in a Church, ought not to be condemned, it having been the ancient Usage of the Church, thorow several Ages, for Ministers to be appointed, and for Dignities and Benefices to be conferred by the Election of the Clergy and People; so as never to have any Rector or Prelate imposed upon them against their will: the Justice whereof is proved by *St. Cyprian* from Examples in Scripture, and is derived from a Divine Right. Now, notwithstanding this way of Electing, by reason of the Contentions and Disturbances wherewith it was many times attended, has been laid aside; nevertheless, it has never been so far condemned, as not to be capable of being restored again in part, or in whole. if the Church should think good. Farthermore, there are several actual Rights, that arise purely from that ancient One; namely, all Patronages belonging to Princes in Cathedral Churches; which, if there should be occasion, I will undertake to prove, that they do not hold them by that Title the Popes pretend they do: For which reason, the Legate does not care that they should be so much as mentioned, but is labouring all he can to have a Doctrine condemned in such a sense, that must, in effect, destroy them. And as in doing this they will condemn an ancient Custom of the Universal Church, so they will thereby

by shut a door against all future Remedies, by giving all to the Pope, to the introducing of more Abuses; and that after such a manner, that how necessary soever it may be to oppose them, there will be no doing of it; and so the World shall be left without any hopes of ever seeing things redressed.

The Disputes about this Affair have been loud and warm, by reason of the Legate's endeavouring to carry this and every thing else he has a mind to by Threats and Terrors.

The Legate pretends likewise to add a Clause, which would finally determine the Question of the Pope being superiour to a Council; in which he has been contradicted by some of the Disputants, who alledged that there was no occasion for meddling with such matters at this time, and that it could not be done without giving great scandal, and raising a mighty broil: And the Bishop of *Oran* happening only to say, that he was doubtfull in the Point, and for that reason desired some farther time to consider of it; he was taken up by the Legate after a most insolent and injurious manner: who told him thereupon, That whoever was doubtfull in the Faith, was a Heretick; and that he was a Heretick for having said what he did: All which the Bishop suffered with a great deal of patience. By this your Lordship may see how things are carried here, and in what things they place Faith.

Besides what I have observed, there is another Clause behind, which will be extremely prejudicial; it is that wherein the Legate pretends that no Bishop or Prelate has any Right, in any Case, immediately from God, but that they derive all their Rights purely from the Pope's Grants and Dispensation; and that all Offices, Benefices not excepted, are solely at the Pope's disposal.

Now is it not a pleasant thing to have people, at a time when they should be redressing and removing ancient Abuses, labouring to establish such things as these, and to bestow all upon the Pope? As it is plain they are from the passage *Cujus dispensatione, &c.* in the Clause I send you with this.

Now what may truly and reasonably be allowed the Pope, is, That he is Prince and Vicar of the Catholick Church, or the first Bishop to whom all others are subject and subordinate; but not so, but that other Priests and Bishops do derive their Right from God, and not from the Pope, who, without a just Cause, has no Power either to deprive them, or to diminish any of their Rights; every Bishop in his Cure having as much Power from Christ as is necessary to the discharge of his Office, though with the fore-mentioned Subordination and Subjection, this is the Doctrine of St. *Austin, Cyprian, Chrysostom, Gregory, Bernard*; in a word, it is agreeable to the consent and interpretations of the Church; neither was the contrary ever asserted by any but Parasites, who were the People that have started all such matters of Benefices and Jurisdictions.

For as Paternity is an Oeconomy belonging to a person, which cannot be taken away without a just Cause, though the subject thereof is in subjection to a Prince; so a Prelate, who is a Father and Pastor, is not deprived of his proper Rights by being subject to the Pope: So that to go about to establish an Hierarchy in the Church upon any other bottom than this, is, in effect, to confound and destroy it, and to subject it to more inconveniencies than can be imagined: Nevertheless the Pope, if he could carry this Point, though all things else were ruined, and whatever was done in the ancient Church, condemned, would find his own Account in it; for after

ter that, there would be no possibility of ever having any thing redressed.

I was the first that discovered this Plot, which I communicated to *Don Francisco* and others, as was proper ; by which means, it is now understood by every body to be both an impertinent and pernicious Clause, which ought neither to be proposed, nor so much as mentioned any more : Nay, some of the Deputies have been so eager to have it quite laid aside, as to declare, that they will not meddle with any business till that is done.

The Legate is at work with his tricks, asking all people why they are for depriving the Pope of his Power ; behaving himself at such a rate, that some of the principal Deputies are for going no more to the Congregations ; that is, of the Deputations, since they enjoy no liberty, and are affronted when they are there ; and the Bishop of *Cologne*, who is one of them, has said, That in case the Legate should carry those Points, he will destroy the Papacy thereby ; and he certainly spoke true, in that it would run a very great risk. Now if these Contentions should be brought into the General Congregation, and not be remedied, we shall have business enough to employ our Thoughts about. I was willing to give your Lordship an account of this, as in duty bound ; as also to let you see how necessary the Suspension of the determination of those Doctrines is, as well for the sake of the Protestants, as that we may have more time for to take breath, for the preventing of such Inconveniencies, and to keep such great Disorders and Violences from being established ; to the hindring whereof, the Congress of the Protestants will be of no small effect ; who, when they come, may perhaps agree to do what the Legate does not think of.

Our

Our Lord remedy things, for there is great need of it, and protect and prosper your most Illustrious and Reverend Person and State for many years, as I desire.

From Trent the
20th of Janu-
ary, 1552.

I do kiss your Lordship's Hands.

Doctor Vargas.

The Clause of the Doctrine in the Sacrament of Order.

Hanc autem unam Hierusalem de cœlo descendentem merito appellari posse, quod per antiquam Hierusalem veteris ecclesiæ ordinatissimam politiam adumbratam ad cœlestis Hierusalem formam & exemplar exacta fuerit; nam ut illa sub uno supremo Rectore varios & diversos ministrandi continet ordines, ita visibilis Christi ecclesia, summum ipsius vicarium, pro unico & supremo capite, in terris habet, *Cujus dispensatione sic reliquis omnibus membris officia distribuuntur, ut suis quæque in ordinibus & stationibus collocata munera sua, in totius ecclesiæ utilitatem cum maxima pace & unione exequantur.*

To the purpose of the fore-mentioned, the Congregation having desired the Opinion of one of the gravest and most learned among the Prelates, viz. the Bishop of *Guadix* concerning these Doctrines: He, by a Note, sent them it, as followeth.

Hesternæ nocte perlegi doctrinam, nam semel antea legeram, in qua licet multa bene dicantur, habet tamen nonnulla falsa, & multa dubia: scatet opinionibus, ob idque censerem consultius fieri si dimittatur: ne dubia obtrudantur pro certis a sancta Synodo.

But

But the Legate, after he had read this, urging him vehemently to declare his Mind more particularly ; he did not care to do it any otherwise, than as it is in the following Note.

Non est quod mihi occurrat magis clarum & particulare, super doctrinas, quam id quod dixi, scilicet, mihi non placere ob causas dictas, quæ sufficientes & particulares satis videntur, de quibus poterit sacra deputatio judicare: tum etiam, quia cum doctrina non sit necessaria, ad Synodales determinationes, & vix concludi possit sine offendiculo opinionum quæ à Catholicis tenentur, ut jam experimento didicimus, non possum non refutare doctrinam prolixam & hujusmodi periculis expositam, ne dicam obnoxiam.

I forgot to tell your Lordship that the Legate has on this occasion made 20 Deputies, reckoning in himself and the two Presidents, which is a thing that has made a great deal of sport: His Intent therein is, That having already given their Votes at the Deputation, they should not Vote again in the General Congregations: than which nothing can be more unreasonable ; for notwithstanding the Deputies may be good Men, and may have given the Legate some trouble ; nevertheless there are some of that Number, who had better be heard in the Congregations, than in the Deputations ; which is a thing every body falls into the account of.

Vargas, besides what he writ in his Letters to the Bishop of *Arras* against this pernicious Clause, writ at the same time a short, but learned Paper against it in Latine, which is published in the Appendix, and from its Original MSS.

Dr. Var-

Dr. Vargas's Letter of the 28th of January, 1552, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

YOur Lordship will be acquainted by *Don Francisco's* Letter to his Majesty, with my being to come to Court: It is a thing I would gladly have excused, had not *Don Francisco* been so resolute, that it is necessary for his Majesty's Service that I should go, to give his Majesty and your Lordship an account of what is doing here, and to represent several things, which cannot be done so well by Letters. It will easily be believed, that my chief encouragement to undertake this Journey, is the opportunity I shall have thereby of kissing your Lordship's hands, a thing I so much desire.

I shall part from hence in two days; and being no very good Traveller, shall be two days by the way. *Don Francisco* having writ at large, and I being, if it shall please God, to wait upon you so soon, I shall not enlarge at present, as I intended to have done after the writing of my last, before this Journey was thought of. The Lord preserve and prosper your Lordship's most Illustrious and Reverend Person and State for many years, as I desire.

From Trent the
28th of Janu-
ary, 1552.

I kiss your Lordship's Hands.

Doctor Vargas.

Dr. Var-

Dr. Vargas's Letter of the 26th of February, 1552, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

I Arrived here safe and well, praised be God for it, by Dinner-time, on *Sunday* last, being the 21st Instant; but so loaded with the Favours and Obligations, not to mention the former, your Lordship was pleased to lay upon me, that it will not be possible for me, should I live a thousand years, ever to discharge so great a debt.

May God preserve your Lordship as we, and I in particular, stand in need he should, and give me ability to endeavour to satisfy that debt in part; who, whatever I am, or shall be, shall always acknowledge your Favours, and employ my self wholly in your Service: But since that can never amount to the payment of so great a debt, I do kiss your Lordship's hands a thousand times, and particularly for your writing to every body concerning me as you do; whereby you do me so many Favours and Kindnesses, that I can say no more of them, than I have said already.

So soon as I arrived here, I gave an account of my Negotiation to the Embassadors, who, as your Lordship will understand by their Letters, were well satisfy'd with the Dispatch I brought; and I did acquaint *Don Francisco* particularly with the Obligations he is under to your Lordship, for the special care you take of his Concerns, and the esteem you have for his Person; of all which he is extremely sensible, and is undoubtedly much your Lordship's Servant, and withall as honest and well-deserving a Person as you take him to be.

I have

I have likewise told all the Prelates and learned Men that are here, how much they are beholden to your Lordship, for the particular care you take to lay all their Merits and Services before his Majesty; for which, being sensible how much they are indebted to you, they do kiss your Lordship's hands; recommending you, together with his Majesty, to God in their Sacrifices and Prayers: I have likewise acquainted them with the particular good Offices you do them, which has given them great content: By which means, and that of his Majesty's religious Conduct, the Prelates seem to be much animated to serve God and his Majesty, and to execute whatsoever shall be judged convenient: being much troubled to see the delays and artifices that are used by the Legate, and at his giving them no part in any business whatsoever: but that being no new thing, they bear it the better.

Being in haste, I could not stay to dine with the Cardinal of *Trent*; who, being solicitous to know of me, what was done concerning his own and some other Affairs, I told him how it had been ordered, acquainting him with some other things as I thought convenient, and particularly with your Lordships and the other Ministers being his Friends, as I was his Servant: Which though he readily acknowledged, yet the account I gave him of the Treaty, put him into such a Passion, as obliged me to say all I could to soften him again; assuring him, upon his saying that he would in a short time go to Court himself; that when he did, your Lordship would satisfy him in all Points, and let him know how much I am his Servant: With this he seemed to rest satisfy'd; so, I suppose, he will not be wanting to us in our present great Dearth, and especially at this time, when the Pope's Ministers are so untoward,

as

as your Lordship sees, and as I have writ they are.

When I parted from Court, the Bishop of *Am-
pudia* accompany'd me a Mile or two out of Town,
giving me an account of the Troubles he is in, and
of his Intention for to have come to this place; he
is a Person I never saw before, but he appears to me
to be a very honest Man; but it is enough to re-
commend him to your Lordship that he is a Pre-
late. I gave him the best directions in his business
I was able, advising him to make all the haste he
could to *Trent*; and having thus recommended him,
I must beseech your Lordship for to dispatch him;
for besides, that he may do us some service here, it
will be a deed of Charity to relieve an oppressed
Prelate.

The Legate is full of Fears and Jealousies, lest I
may have made such a relation of affairs to his Ma-
jesty and your Lordship, as is not for his purpose;
who having desired to speak with me, gave me to
understand, how much he was his Majesty's Servant,
and that he did not know how the things, we spoke
of, had been taken by the Pope; it would require
much time to recount all that passed in this Conver-
sation, only he spoke as one that was extreamly jea-
lous both of the Pope and his Majesty, and that was
willing to give me some general satisfactions: I an-
swered him the best I could, without doing any pre-
judice to the truth in general terms; with which
he appeared to be satisfy'd; which I did to soften
and dispose him the better to do business, and to make
him sensible how much he is beholden to his Maje-
sty and your Lordship; whose most Illustrious and
Reverend Person and State may God preserve and
prosper for many years, as I desire.

From *Trent* the
26th of *Febru-
ary*, 1552.

I kiss your Lordship's Hands.

Doctor Vargas.

Dr. Vargas's Letter of the 26th of February, 1552, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

WHen I arrived here, the Legate's heart was so set upon the Suspension, as if his Life had been engaged in it; he and his creatures talking of nothing else, and giving it out, as a thing that his Majesty desired, to the great grief of several of our Prelates: but things are now changed from what they were, and the Legate, by his behaviour, does sufficiently manifest what he has in his thoughts; the Embassadors and I having met about the present affairs, they ordered what should be said to the Legate, appointing *Don Francisco* according to custom to speak to him, which he did, a full account whereof your Lordship will meet with in their Letters.

The main of it was to undeceive the Legate as to the Suspension, and to acquaint him with the Answer his Majesty would have given to the Protestants when they come, and with the manner how he would have them proceed here at present, in disputing concerning Matrimony, without resolving and decreeing the Matters that are suspended, both for fear of hindring the Protestants from coming, and because it was so ordered at the last Session.

Your Lordship will easily imagine how the Legate resented this, who going continually armed with artifices, and the end he aims at, would come to no conclusion, pretending the time is too short to dispute about Matrimony, and that without breaking Order, the resolving and decreeing of what has been already handled, and was suspended, could
be

be put off no longer ; telling us at last, that he was content to wait a few days to see whether the Protestants would come or no ; which, it is said, he granted, that he might have time to acquaint the Pope with that whole affair ; without whose Order he dares not do any thing : But as to his Resolution, there was no possibility of bringing him to change it ; nay, we had much ado to keep him from concluding the suspended Matters immediately, though we represented to him of how ill consequence it would be as to the Protestants coming hither, and who, whatever happened, would take occasion from thence to excuse themselves, if the first thing that was done after their Arrival, was contrary to his Majesty's Order : And as to the Clauses he has set his heart so much on, we shall be sure to have trouble enough with him about them.

And whereas the thing the Legate aims at, is to make this Affair subservient to his Pretensions, or to some disturbance or other ; he told *Don Francisco* and me, that these being Matters that were agreed on in *December*, he must hold a Session, and go on with them ; but in case the Protestants should come, that he would then suspend every thing ; so that it was to no purpose to begin to dispute about Matrimony, since they had not time to conclude any thing about it : To which I returned him such an answer as I thought proper, doing it with all the address and dexterity that I am master of : With which, though he seemed to be convinced, he afterwards resolved to go on with what he had purposed : Upon which I ply'd him very close, representing to him the necessity there was of prosecuting the Council, and in order thereunto to begin to dispute about Matrimony, notwithstanding they should determine nothing therein ; not but that some Arti-

cles relating to it might be proposed and resolved, leaving the rest to another Session. This I would have had done, that there might be nothing that looked like a Suspension, to the defeating of the Legate, who knows very well what he drives at; he said, if the Synod must do something, he would have them enter immediately upon the Answer that is to be returned to the Protestants: I told him, I was not of his mind; for that since the Protestants had not demanded an Answer, there was no need of making so much haste with it; telling him farther, That if what was done did not appear to be what his Majesty had ordered, it would serve only to provoke the Protestants; and as to the course he was so much for, if that were taken, his Majesty would certainly be blamed for it.

This is the present posture of Affairs; not but that the Legate, notwithstanding he has his Instructions what he is to do, is full of Fears and Suspicions, imagining that we design to promote some things, that are no ways agreeable to his Pretensions; and who being armed to carry the said Clauses, and against a Reformation, is, so far as I can judge, desirous to have all things suspended, in order to the having of but one Session more; reckoning, that by having all things decreed together, he shall stave off a Reformation, and promote a total Suspension, which is the thing he chiefly aims at: For the reason, why he will not proceed at present, though desired by every body, is his being sensible that his Majesty is against a Suspension, and would have the Synod prosecuted, and what is reasonable done therein; and whereas should the Protestants come hither, the determination of all things would then be suspended for some time; so that the next Session would be celebrated without doing any thing: This, though

though it would do well enough for the Protestants, would not agree with what the Legate drives at.

My Opinion in this case is, That since the Legate cannot be brought to do what we would have him, that it would be the least inconvenient to suffer some days to pass over, and not to begin as the Legate would have us ; and if it could be done, it would be convenient that some time before the Session, they should begin to dispute about Matrimony, though they should determine nothing therein; and in case the Protestants do come, that a Session be held by all means, which that it might have something to do, may employ it self about Canons of Reformation; to the obtaining of which, it will be necessary to ply the Pope close; for if that is not done, the Legate will jog on in the same beaten road he went in the last Session; which will be a very sad thing, and especially considering the report that is spread abroad here by the Legate and other Papal Ministers, of the *Italian* Bishops, whom they have entirely in their hands, being resolved to depart. Were we but certain that the Protestants would come, we should easily surmount all our present difficulties; your Lordship must judge what is fit to be done herein, and let us have your Commands; for whatever you shall order will be most convenient.

I have here met with a Report of the Pope's intending to translate the Council to *Mantua*; and though I do not believe there is any ground for the Report, I am apprehensive, lest the Pope finding himself pressed hard by both Protestants and Catholics, may strike up a Peace with the *French*; and I am very much mistaken if he and his Ministers are not at this time plotting some bold thing,

which nothing but Fear will keep them from executing: For which reason, it is convenient your Lordship should consult with his Majesty about an Order, that so we may be provided for any thing that may happen. May God direct all, and preserve and prosper your most Illustrious Person and State for many years, as I desire.

From Trent the
26th of February,
1552.

I kiss your Lordship's Hands.

Doctor Vargas.

P. S. I intreat your Lordship to let me know his Majesty's Thoughts of the discourse I had with him, when he dispatched me, and I kissed his Hands; but though considering how he was prepared, by what your Lordship had told him of me, I may easily know what he would say: Yet there is one thing I do not know, which is, How I shall be able to recompence your Lordship, unless it be by acknowledging it all my days.

Dr. Var-

Dr. Vargas's Letter of the 28th of February, 1552, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

IT is but three days since I writ at large to your Lordship; what has since happened, is, a considerable Number of *Spanish* Bishops having assembled together in a Convent; sent four Deputies to *Don Francisco* and the Legate; I happened to be with *Don Francisco* when they came to him; their business was to acquaint him with their being much dissatisfy'd, at their not being acquainted with any thing that was done, the Legate having never consulted with them whether it was convenient to proceed; adding, that both they and the Council were affronted, by having so little account made of them, and by being allowed so little liberty, with several other things to the same purpose; telling us farther, that they intended to go to the Legate, and expostulate the matter with him. To all which, *Don Francisco* returned them a very discreet Answer, acquainting them with the things his Majesty had desired, and with the Legate's unreasonableness in not granting them, nor suffering the matters relating to Matrimony to be disputed; which, though they had come to no Resolutions about them, ought to have been done for the satisfaction of the World; and that the Conduct of the Legate and Presidents was such, that nothing could be offered in its Vindication; dissuading them nevertheless from going near the Legate, who being fix'd by a Resolution he had received from the Pope by a Currier, their waiting upon him would be to no purpose, unless it were to raise a storm, or to furnish him with an advantage

for the carrying on of his Pretensions: He assured them farther, that the Legate should quickly be acquainted with their business; and that it should not be long before they should speak to him about this, and several other matters: concluding, that since we had all the same aims, we ought all to act jointly. So with much ado, for they appeared very resolute and obstinate, he prevailed with them not to go near the Legate, in which I assisted him all that I was able. Now though I do not doubt of the Prelate's having gone into this with a good zeal; nevertheless, in this juncture, I must needs say, it was not according to knowledge. I heard something of this business before it broke out, being informed that one of the chief Prelates, and who was the person that first moved it, and brought all the rest into the Combination, had been persuaded, or to speak more properly, gulled into it, by one of the Presidents; it was he of *Verona*, who put them upon complaining to *Don Francisco* and the Legate, of things being delayed as they were; which was done for no other end, but to furnish the Legate, who was the chief contriver of it, with an opportunity, to pretend, that now the Prelates began to complain and mutiny, it was full time to have the suspended Doctrines resolved and determined; and that seeing there was not time sufficient for the discussing of all the Doctrines relating to Matrimony, they must go on with that of Order, which is the disorder he has set his heart so much on.

The Legate is hard at work to persuade the World, that his Majesty, though he pretends to be against a Suspension, but would have the Council proceed and hold a Session, does, by delaying things, promote it all he can, hoping by means of the Protestants for to compass his Ends. God knows how true

true this is, as he does also, what aims and designs the Pope and his Ministers have in their heads, who must not, at this time a day, think to play such a game, as they are playing, without being discovered.

We hear the Pope has sent the Legate a severe Reprimand, for having admitted the Protestants, and for having suffered things to run into such a confusion; so that it is plain, their chief business at this time, is to shut the gate again, and either to flave off the Congress, or to put an end to it as soon as it is possible, by getting the Clauses in the Doctrine of Order decreed. and keeping the Prelates from consenting to handle the Doctrines of Matrimony untill the end of the Session. On which Clauses, the Legate's Soul is set so much, that he is under-hand Negoriating hard for Votes; so that we have still cause to fear, that he may carry his Points at last: He has been informed, that my late business with his Majesty was to consult with him about those Clauses; he had this Information from a *Spanish* Prelate, whom he named when I was gone; I am certain I never spoke of it to any body, and do still endeavour to conceal it, so far as is convenient: This Intelligence disturbs the Legate extreamly, making him very pensive.

I am informed likewise, that the Pope very much complains of me, in some Letters from *Rome*, for having been so active in procuring an Audience for the Protestants, but chiefly for what I did in the safe Conduct, in getting the Clause *Pro sanctissimo patre nostro*, which was put in by the Legate, for to be struck out, and for having on that occasion deny'd that he was superiour to a Council; having said then, that there was no reason for the Synod's suffering of such words, or for its acknowledging

any such superiority: But having been told since, that I had no other intent in that whole matter, but only to prevent the Protestants taking offence, and some other inconveniencies, and that I did not touch on those Controversies, I hear he is pretty much quieted again; but let that be as it will, for it is no great matter if he is angry; it is certain the Legate, to excuse himself, has made strange relations of things in his own favour: What he writ to *Janus* concerning *Don Francisco*, being false to my knowledge. *Don Francisco*, in my mind, proceeds with great moderation, being carefull how he saith or doth any thing that may give distaste. We must wait to see what will be the issue of this, which we shall now know quickly: And, in the mean while, we must beg it of your Lordship, that we may be acquainted with all Emergencies, and may have his Majesty's positive Orders for what he would have done: And that we may know in time whether the Protestants do intend to come hither, all that is to be done here, depending much on that, that so we may have our Instructions ready. Your Lordship has had my Opinion already of all these affairs: Our Lord preserve and prosper your most Illustrious and Reverend Person and State for many years, as I desire.

From Trent the
28th of February,
1552.

I kiss your Lordship's Hands.
Doctor Vargas.

Dr. Var-

Dr. Vargas's Letter of the last of February, 1552, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

ON the 26th and 28th I writ to your Lordship, giving an account of what had passed: What at present offers, is, That we are hourly involved in new difficulties, the Legate not being himself untill he has carried his Point; who has not got only the *Italians*, who are of his own Sect, but several of our Prelates likewise on his side; who have been persuaded by him, that his Majesty, for some end that he tells them, is for delaying the Council so much, that if he could have his will, it would never end: And notwithstanding the major part of them, and all of them that are Men of understanding, do know the truth of this matter, and do see plainly what the Legate would be at, and that all he saith and doth is trick and artifice, things are nevertheless reduced to the foresaid terms: And whereas the Legate's Soul is ready to leap out of his Body, to have the Clauses of the Doctrine of Order passed and determined; he promotes every thing that tends to that end, on purpose to shut the door against the Protestants; being much troubled at his having given an Audience to *Maurice's* Envoys and those of *Wittemburg*; for which, as I am informed, he has had a severe Reprimand from the Pope: For which reason, and that there may be no Session held, after the suspended Matters are once determined, or else that he may have some colour for raising a disturbance, he will not suffer the Doctrine of Matrimony to be handled, designing thereby to bring the Synod under a necessity of determining the suspended
Doctrines,

Doctrines, or to bring about some other End he has in his eye: For he pretends, that if a Session is not held for the determining of those Matters, that the *Italians* will be gone, neither will it be in his power to keep them much longer at *Trent*: Though there is no body but knows, that whenever they depart, it will be, because he has ordered them to go, in order to dissolve the Council: All which, though they may perhaps be only brutal pretences given out according to his custom, for the carrying and compassing of his designs; nevertheless, considering on what terms things are here at present, and how the Pope and his Ministers, since the Congress with the Protestants, are changed from what they were; and the Apprehensions they are under of the *Spaniards* insisting on having a Reformation, and the great Agony they are in till the foresaid Clauses are determined; it may justly be feared, that they will by one way or other bring about the Dissolution of the Synod: Which will certainly be done, if they can but get the said Clauses determined, because in them they will have gained all that they desired; and after that, will never stand in need of any more Councils for to serve their Pretensions: And in case they should not be able to carry those Points, they will then, to rid themselves of this Yoke, that is upon their Neck, and of the Fears they will be under, when they shall find that they are not able to bring the Synod to do all the mischief to the Church and to the authority of the present and all future General Councils, that the Pope and his Ministers would have them, they will then perplex and confound all: which is a most deplorable thing.

This being premised, the Legate, either because he has received Orders from the Pope, by the Currier that came yesterday to him from *Rome*, or because

cause he himself thinks it fitting, and knows certainly that the Pope will approve of it, is resolved on *Monday* next come sevenight, to assemble the Council, to treat of and resolve the Matters that are suspended, and finally to determine them, he having declared that he has waited long enough for the Protestants; who, since they are not come all this while it is not to be expected that they will come at all; and for that reason it is convenient to hold a Session for the determining of the said Matters: Upon which notice, the Embassadors have proposed two ways, who, as your Lordship will understand by their Letters, are doubtfull which of them they had best take; The one is, not to oppose the Legate any more, since though those Matters should be resolved, if there should be a necessity of it; or in case the Protestants should come, the determination of them may be prorogued to a farther time; The other is, to speak freely to the Legate, and to let him know that they are ready to agree with him in what he would have done; on condition, that he will deferr the Session for some time, that so all that remains may be determined at once: That way of these two your Lordship shall approve of, or any other you shall pitch upon, shall be reckoned by me to be the most convenient. But as things stand, since we are not able to do more, the first of those ways appears to me to be the least inconvenient; which is, to let those things pass without opposing them; and my reason is, that we shall thereby prevent our running a risk of what the Legate has always ready for us; viz. the Prorogation of the Synod, which he has power to make, whenever he shall judge it to be most convenient; besides, now there are such Disputes and Tragedies raised among the Prelates, who, as I have observed,
are

are much divided in their Opinions, meeting together, though for different Ends, in Junto's; the raising of Tumults being an art the Legate and Presidents have to perfection; witness what they did, to hinder his Majesty's Orders from being observed, and to keep the Synod from disputing of Matrimony, though it had not proceeded to any determination about it; which was done by them on purpose, to dispose things so, as to lead the Synod necessarily to the doing of the business they drive at: All which makes the first way appear to me to be the least inconvenient. A Prorogation, however it is brought about, will, in my opinion, be attended with several inconveniencies: the chief whereof will be, its opening a gate to the total Suspension of the Synod, which is the thing the Pope and his Ministers have always drove at: All which is offered by me, with a *salvo* to the Protestants coming hither before the Session is held, or to our being certain that they will come in a short time; in which case, out of respect to them, the Session ought to be deferred. Finally, let what will happen in this way, his Majesty will be justify'd, and the Papalins will have no colour to suspect him any longer of those things they have said of him continually: But the great difficulty we shall have to struggle withall, if this course be taken, will be how to prevent the passing of the Clauses of Doctrine; it being to be feared, that the Legate has so managed his affairs, as to have the major Vote on his side: The arrival of the Protestants, though it might create new difficulties, would help us out of the streights we are in at present; and were we but certain that they would not come, and had thereupon Orders to hold a Session for to determine the foresaid particulars, we should be able to clear matters thereby, in giving the Pope, his
Ministers

Ministers and others, to understand plainly how ill they have guessed at his Majesty's intentions, which are open to God and the World; and that it has been their designs, and the fears arising from them, that have been the unhappy instruments of involving us in so many difficulties about the *Clauses*.

I have always, let what would happen, desired that a Session might be held, for the determining of the Points of Matrimony, as his Majesty had very well ordered; even though the Protestants did not come, as a great many are now very confident that they will not: But whereas what the Legate has now done, was a thing I never thought of; so it troubles me extreamly, because we cannot hold a Session now as I desired, without complying with his designs, unless some other business could be found in part to supply the place of that which ought to have been the business of that Session, or the Legate could be persuaded to suffer the *Canons of Reformation* to be pronounced therein; to which, considering how he has ordered matters, I believe it will be impossible to bring him. All which notwithstanding, if we should be able to do no more, it will be convenient to hold a Session; and should the Protestants but come, that would answer all. Your Lordship must judge what is most expedient to be done, and advise the Embassadors thereof in time, to prevent our being reduced to such streights, as we shall not know how to get out of.

What I mentioned above of some Prelates meeting in Junto's, is what I acquainted your Lordship withall in my Letter of the 28th; since which time they have assembled again in the *Monastery of Saint Lawrence*, and have spoke their minds at large; which Meetings have furnished matter for a great deal of talk, and have filled the Legate and others with

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with jealousies: Whose intentions, though they may be good, and which notwithstanding they endeavour to conceal, I know are the same I communicated to your Lordship; that is, to Petition for a Reformation, and some other things of the same nature; nevertheless, their assembling so in this juncture of affairs, without acquainting *Don Francisco* with their designs; notwithstanding, they pretend to do nothing, without informing him thereof, is a great indiscretion, and a very ill thing. I have declared my thoughts of it to several people, and did advise *Don Francisco* to find some smooth way to remedy it; I say a smooth way, because they are a great number, and a multitude is a dangerous thing: It must therefore be done with mildness for fear of exasperating them, which would but provoke them to take more liberty; and I do not doubt but he will do it with his customary prudence; when any thing else shall offer, I shall not fail to advise your Lordship thereof. I have added this, that your Lordship, by joining it to the rest, may see that there is matter prepared for the Diligences your Lordship knows of: Whose most Illustrious and Reverend Person and State may our Lord protect and prosper for many years, as I desire.

From Trent the
last of Febru-
ary, 1552.

I kiss your Lordship's Hands.

Doctor Vargas.

THIS

THIS following Treatise of *Councils* having been writ by *Vargas*, immediately before the Re-assembling of the *Trent* Synod by *Julius* the Third, is an Evidence of that Synod's having had as little liberty in its first Session under *Paul* the Third, as it had in its second under *Julius* the Third; which *Vargas's* Letters tell us, was none at all. And as to the Authority of *Vargas's* Testimony, it is the same as to both those Sessions, he having assisted at them both from the beginning to the end, as one of the Emperor's Ministers.

Directions concerning the Government of a Council, and the Office of an Embassadour.

THough this is a Subject of a large Extent, I shall endeavour to reduce it within as narrow Bounds as I am able: And that both the disease and the remedy may the better be discovered, which is my intent, I shall derive matters from their first Principles, and knowing to whom I speak, that I may the better perform the service I owe to God and his Majesty, I will deliver my Thoughts freely. Now an Universal or Oecumenical Council, which are the same, being the thing I am here to treat of, supposing every Council, wherein the Pope or his Legates do assist, may, whatever is done therein, by reason of its Effects, be said to be General or Universal; nevertheless, when we speak of General Councils

Councils by way of Excellency, we understand those Assemblies which are reckoned to have been such, for their having been famous, and of great authority, and celebrated in a place of Freedom by the Convocation and Concourse of all Nations. So from that of *Nice*, which was celebrated in the Time of Pope *Sylvester*, to that, that was in the Time of *Adrian* the Second ; there were eight Councils, which were, for the foresaid Reasons, reckoned to be General, they having been all Assembled by the Emperors, and had all the Pope's Legates present in them, the Pope in person having never assisted at any of them : And so notwithstanding the Popes did both during that ime, and since, assemble divers Councils at *Rome* ; however they might style them General ; they have never been reckoned so, but in comparison of the others, have still been held only as domestick or particular Councils.

After the Eighth Synod, that of *Constance* is reckoned to have been the Ninth, which was very famous, and of great benefit to the Christian Common-wealth.

The next was that of *Basil*, wherein there were hot Dissentions betwixt *Eugenius* the Fourth, and the Fathers assembled therein. *Eugenius* celebrating a Council at *Florence* at the same time : This does somewhat disturb the reckoning ; for there being two Councils at the same time, and an Altar against an Altar, one of them must necessarily have been illegitimate. So that they who hold that of *Basil* to have been valid, I mean after *Eugenius* had broke with it, there being no question of its validity before that rupture, do reckon it to have been the Tenth Council, as they who condemn that of *Basil*, as a Conventicle that brought forth a *Basilisk*, do reckon that of *Florence* to have been.

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All which notwithstanding, in the last Edition of the Councils, he that made the Collection, doth either rashly, or because he would do it, call that of *Florence* the Eighth General Council, having either never seen, or forgot the Eighth Synod, that was in the Time of *Adrian* the Second, not daring to put that of *Constance* in that Number, because it established the Authority of a Council above the Pope: For which reason *Leo* the Tenth assembled a Synod at the *Lateran*, in opposition to it, and to that of *Basil*, which though he was pleased at every Turn to style Universal, has never been admitted into that Number; and as it was only an Oeconomical, and not an Oecumenical Council, so we feel to this Day of what Disadvantage it was to the Church; besides Truths which have been once established by Councils, namely that of *Constance*, can never be shaken afterwards, it not being possible that what was once a Truth, and dictated by the Holy Spirit, should ever be otherwise.

Now according to this reckoning our Council of *Trent*, must be the Eleventh Synod, notwithstanding neither the Pope, nor his Legates are willing to have it reckoned so, who at the opening thereof were in a great perplexity, how to rank it.

This is the Account of the Universal Synods; for albeit there were Councils celebrated by the Apostles, and from which all succeeding Councils do derive all their Authority: This reckoning commences nevertheless from that of *Nice*, which consisted of 318 Fathers; because Christians from the Time of *Constantine*, have had the Liberty to assemble together, after that of *Nice*, from which the Canons of General Councils do commence; the Councils of *Constantinople*, *Ephesus* and *Chalcedon*

were celebrated, which four having been venerated by St. *Austin*, and St. *Gregory*, as the four Gospels, does not lessen the Authority of the following Councils that were lawfully assembled.

This being premised, the way of proceeding in past Universal Councils comes now to be observed, and that in order to discover, how different it was from the procedure of this present Council, and how great Inconveniencies do follow thereupon; the way of convocating, prosecuting, and finishing, being quite contrary in those, and this Council.

All the Eight General Councils having been called by the Emperours, the Fathers injoying an intire Liberty in the prosecution of them, and the whole Authority being lodged in the Body of the Council, and if the Pope's Legates did at any time delay their coming, the Council, if there was an urgent Necessity, did its Work without them, as appears from the Definition of the Eighth Council, made before the Arrival of the Legates, which runs thus. Having long expected the Arrival of the Vicars of the Elder *Rome*, and it not being just to wait any longer for them, it appearing to us an absurd thing to neglect the lost Church of Christ, by such delays, we do of Necessity denounce, &c. The same is to be met with in the Gests of the Second *Ephesine* Council, which after having advertized *Julius* a Bishop, *Hilarius* a Deacon, and *Dulcitius* a Notary, the Vicars of Pope *Leo*, that the Council was to assemble next Day, desiring them therefore to make haste to come to them; upon their not appearing when they were expected, *Talasius* Bishop of *Cæsarea*, said, Besides that our remaining in this City is a great prejudice to the most Religious and Holy Bishops, and their Churches, the most Pious and Christian Empe-
rour

rour would have us to hasten the End of this Synod, that so he may be acquainted with what shall be decreed therein; Wherefore the Synod having done what was proper and convenient for it, in having invited the Vicars of the most Holy Friend of God Archbishop *Leo*, I am of opinion, that since they have refused to assemble with us, that we ought not to use any farther Delays. This is to the purpose, as to what is doing here at this time. Finally, whatsoever was offered, and commanded to be observed by Universal Councils, being for that reason of inviolable Authority, it did not want the Confirmation of the Pope to give any thing of Validity to it; neither was it for that, but for other honest and just Ends, that they first began to make use of that Confirmation; there being no reason, why what is determined by a General Council, by the Direction of the Holy Ghost, should have its Truth in suspense, so as to depend on the Will of any Person: for what is once true, must be always so. This is manifest to all but Parasites, or such as seek by Tricks, utterly to destroy the Authority of General Councils, of which a great deal might be said, had I not something else in my Eye at present; I shall therefore only observe that the Argument drawn by those People, on which they lay so much stress from Pope *Leo*, and his Legates contradicting the Council of *Chalcedon*, as to what it had ordained relating to the Chairs of *Constantinople* and *Alexandria*, is not of so great Weight as they imagine, and represent it to be in their Histories, seeing that Council, notwithstanding that Contradiction, did still adhere to its Determination, and which after having been observed for several Years, was at last confirmed by the Sixth General Council: but to return to the Direction of General Councils.

There was, as has been already observed, an entire Liberty in them, their whole Authority being lodged in the Body of their Assembly: as is plain from the Councils themselves, the Pope's Legates having no other than an honorary Presidence in them, and the privilege of voting first; the Presidents *Ut interloquerentur & definirent*, being named by the Emperour, and styled *Judices discretivi*, as is plainly to be seen in the Council of *Chalcedon*, and in the Eighth Council also, in which, in the first Action they spoke as follows: Our Emperours have sent us their Servants, and who are called his Senators, to be discreet Hearers of all that shall be transacted. After which the Fathers celebrated the Council, and spoke and determined matters with an entire Liberty: So that as we have no reason to doubt of their having been assisted by the Holy Ghost in all their Determinations, we have as little reason to doubt of the Council it self, having ordered and governed every thing: for besides that the thing is reasonable in it self, it is no more than what is of Divine Right, and was expressly determined by the Council of *Constance*.

It is manifest likewise from the Council of the Apostles, in which *St. Peter*, as we see, notwithstanding he was the Prince and Universal Pastor of the Church, did not preside with Authority, or a co-ercive Power; on the contrary it is plain, that the whole Power was in the Assembly; and as in the fifteenth of the *Acts*, the Determination was pronounced by *James*; so it is said there, that *Peter* rising up in the midst of the Brethren, said, &c. which Action of standing up, is an Argument of his not having pretended to an Authoritative Presidency, for if he had he would have sate, and not have rise to speak, as is well observed by *Abulenſis*,
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though *Turrecremata*, and others of his Stamp, do interpret this as they think fit; the same appears likewise from the Council mentioned in the thirteenth of the *Acts*, where it is said, when *Samaria* had received the Word of God, they sent *Peter* and *John*, &c. To which, and a great deal more, *Turrecremata*, *Cajetan*, and others of their Party give a general Answer, that St. *Peter* did that purely out of Humility, which how much it is to the purpose, let any one judge: It is however undeniable, that by this way of proceeding, those inconveniencies we do now labour under were prevented, every thing being done with great Authority and Liberty.

Upon the great Declension of the Empire, after the Eighth Synod, the *Judices discretivi* who were sent to Councils by the Emperours, ceased; who being Laicks, had never any Vote in them after that, the naming of Persons to perform the Office of those Judges, whom they called Presidents, and that without any prejudice, to the honorary Presidency of the Pope's Legates, remained in the Body of the Council, where according to *Andreas*, and *Baldus* it was always of right; whose Authority, if there were nothing else, is sufficient to prove it; but besides, that it was practised by the Council of *Constance*, which was the Ninth Synod, in its Ninth Session; as it was also in the Seventeenth Session of the Council of *Basil*, which admitted the Pope's Legates on such conditions, as kept their Presidency from being coercive, than which nothing is more remarkable and modern, and which ought to have been observed in this present, and all future Councils; The very being of a General Council after it is lawfully assembled, consisting in the Liberty, wherewith all matters of

faith and manners are handled therein, and the deciding them openly in peace, and not in corners, by unlawfull methods; for it is when matters are thus handled, and defined, that Councils are inspired by the Holy Ghost in their Determinations: those Words, *It seemeth good to the Holy Ghost*, and to us, being applicable only to General Councils, however the Pope may arrogate them to himself in Person, or in conjunction with his Colledge of Cardinals; for as *Abulensis* in his Preface to *St. Matthew*, well observes, nothing is more certainly necessary than an entire Liberty in Councils; for the want of which, the Second *Ephesine* Council, though lawfully assembled, was not reckoned a Council, and was accordingly revoked by the Council of *Chalcedon*.

And so when the numerous Council of *Photius* was objected to *Nicholas* the First, he made answer, we do not follow the Councils of *Nice*, and *Chalcedon*, and the Synodical Constitutions of the Holy Fathers, and other Councils, on account of the great Numbers of Bishops that were present at them, but we do reverence their free, just, and divinely inspired Determinations: So *Agatho* likewise writing to *Constantine* concerning the Fathers that were to assemble in the Sixth General Council, tells him, that there ought to be a Promise of impunity, and a licence granted to all to declare their minds freely, that so their faith might be published to the World, and that none ought to be discouraged or hindred, from speaking their thoughts, either by threats or any other methods: a great deal more might be added to the same purpose, namely, what was writ by *St. Leo* to *Theodosius* the Emperour, concerning the Second *Ephesine* Council, if what has been said were not sufficient; from all which, as
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the Authority and Majesty of General Councils is manifest, so it would still be more conspicuous, if we should go to the bottom of the Power that was lodged in Synods, so as to lay open how great it was, and of what sort of People they consisted, and what Authority they exercised over all, and what was every ones part in hearing and obeying: but I know not by what fate of the Commonwealth, if I may so speak; those Assemblies are now fallen from that height of Authority, every thing in them being so altered and disjointed, that no Footsteps of their Ancient Majesty are to be discovered in them: so that for the punishment of our sins, they seem to be just upon expiring that having happened to them, which seems to be the natural Condition of most humane Blessings, in having had their Infancy, their Youth, and Old-age which is always succeeded by death; I say this, because in the whole conduct of this Council of *Trent*, there does not appear the least footstep of any of the forementioned Essentials of a General Council; on the contrary, the most pernicious and effectual Methods that can be contrived, have been taken to destroy Liberty totally, and to rob Councils of that Authority, which in case of great storms, used to be the sheet-Anchor of the Church, by which means they have cut off all hopes of ever having any Abuses that infest the Church redressed, to the great disparagement of all past, as well as future Councils, from which no good is ever to be expected. For as St. *Austin* in his Tract of the *Epicureans*, and *Stoicks*, speaking of St. *Paul's* preaching at *Athens*, saith that the whole Multitude is threefold, and consist of Believers, Mockers, and Doubters, so it is not possible for us to express, and much less to exaggerate, of how pernicious consequence the conduct

of this Council has been ; in which under the Title of directing it, the Pope's Legates have so managed matters, that nothing but what they have a mind to can be proposed, discussed, or defined therein, and that too after such a manner as they would have it, or as it comes ordered from *Rome*, whither they are sending every hour for Directions, so that at the same time they talk of liberty, they are destroying it by their Actions, all the liberty that is here being only imaginary, so that their naming of it, is nothing but cheat and banter ; which is so notorious, that several of the Prelates, even among the Pope's Pensioners, have not the face to deny it, but do with other holy Men lament things being brought to such a pass ; and though the iniquity of the Times, and the present Posture of Affairs may keep them from declaring so much, it cannot keep them from sighing to see things go as they do.

I come now to prove the Truth of what I have said in general, from particular instances in this Council, it being necessary to the curing of the Malady, for to understand it.

In the first place, the Pope's Legates have made use not only of an honorary Presidency, which ought not to be denied them, but of an authoritative and coercive one ; following in every step the Council of *Lateran*, that was celebrated by Pope *Leo* the Tenth, which they would gladly canonize, naming it at every Turn, as if it had been a General Council, and such a one too as deserved to be a pattern to all others ; whereas in truth it was only a Domestick Synod : however it being for the advantage of their pretensions to have this Synod managed after the same manner as that was, its conduct hitherto has been the same, to the
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great prejudice of the Authority of the present, and all future Councils, as appears from several instances, namely from the Legates not suffering the Clause of *Ecclesiam Universalem representans*, to be inserted into the Decrees; adding instead thereof, and inculcating that of *Præfidentibus eisdem tribus Apostolicæ sedis Legatis*, which is a new thing, and has a Mystery in it: but above all, from the clause they have inserted into the Canons of Reformation, which is, *Salva semper in omnibus sedis Apostolicæ auctoritate*; which is telling the World in plain terms, that what the Pope does not like, shall signify nothing: for notwithstanding, the Power of dispensing when there is just cause, is always excepted, yet the Legates knowing it would be more for their advantage to have it expressed, they had it done: but this being notorious to every Body, and having formerly had occasion to speak of it, I shall prosecute it no farther.

2. Whereas the Design of the Legates was so to manage all matters, that nothing but what they had a mind to, and was in their secret Commission, should be able to pass, they erected three Classes, one for each Legate, in which such of the Prelates as were most in their favour were to report matters; now these three Classes meeting in sundry places, at the same time, to treat of the same Subject, the Legates did manage that to their advantage, with an Artifice beyond what is to be imagined, their Design therein being to pump the Prelates so before hand, as to find how they intended to vote; and having discovered that, the three Legates, did according to their Custom cabal together at Night, and having conferred Notes, took their measures accordingly, in either going on, or in sending advice to Rome, or in negotiating with People,

ple, by certain methods that they have, to change their minds; and this they have done so often, that it is now taken notice of by every body; neither can there be any course more pernicious or more destructive of the liberty of the Council, and what makes it the worse is, that it is done forthwith under a pretence of Religion, and that things may be the better examined: *Quia falli, labi, decipi, humanum est, sed sub specie Religionis turpissimum atque execrabile.*

Farthermore, The Legates, by the help of the discoveries they make in their several Classes, do learn what things they may propose in the General Congregations, and when it is best to do it; and so when they judge it to be most for their purpose, they have Matters disputed in a particular Congregation by the Divines, to have them ready when they shall think fit to propose them in a General Congregation, which they do commonly suspend upon some pretence or other till they have consulted *Rome*; which being done, the Legates do very artificially conduct Matters, as they have ordered them; that is, such Matters as they have a mind to have determined: For as to those that are not approved of, they are by some means or other stifled, notwithstanding the whole Council is for their being passed.

Farthermore, There are several Inconveniencies in their way of Voting; for the Legates, when they judge it to be for their advantage, that every one should declare his Opinion at large, do permit them to do it; but when it is most for their purpose, that they should only say *placet* or *non placet* to any thing they have proposed, they then oblige them to Vote so. In the ancient *Roman Courts*, as *Aulus Gellius* tells us in the 7th Chapter of his 14th Book, there
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were two ways of making Laws, either *per discessionem*, or *per sententias singulorum exquisitas*; of which the last was most in use, and is certainly the best way. The way of Voting in former Councils, was, That every one was permitted to speak his mind freely; and notwithstanding they who have writ thereof, do observe, that the Synods did many times answer to what was proposed to them with *placet* or *non placet*; it is nevertheless to be considered, that when nothing is to be done in a Session, but only to pronounce the Decrees, which are already agreed on; in that case there is no inconvenience in answering with *placet*, which prevents the Action being spun out to an unnecessary length, though, at the same time, the Prelates were left to their liberty to Vote otherwise if they pleased, and to approve or contradict as they thought good; which is all we know of the way of Voting used in the ancient Councils, our Writers being silent as to that which is of greatest moment, which are the Congregations, that were antecedent to the Sessions; and wherein Matters were examined and concluded, and whereon indeed the whole stress of the business lay; all that was done in the Sessions being only to publish what was before agreed on: In which Congregations, if every Prelate was not permitted to Vote singly, and to speak his Mind freely, it was an imposition upon them; and the Fathers, who were there as Judges, must have appeared only as Parties, in being compelled to answer to what was proposed with *credit* or *non credit*: As to which Point, there have been here so great prejudices, and so little liberty, that it would be a long business to set down the whole thereof.

Farthermore, The Legates formerly contented themselves with an honorary Presidency in Voting
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first, and delivering their Opinions of things, as the other Fathers did ; whereas having now usurped an authoritative and coercive Presidency, they ought not to Vote in any case, nor to deliver their Opinion, but to propose only, and suffer every one to Vote freely ; to act otherwise being an imposition, and a pre-judging of the Cause, and a means of Terror ; in which, as in every thing else, great Excesses have been committed : the Legates, having many times, when they have proposed a thing, declared their Opinion of it, giving their *non placet* to things before the Fathers could give their *placet* ; nay, in the middle of Voting, when they have observed any Prelate not to Vote as they would have him, they have taken upon themselves to speak to it before another was suffered to Vote, doing it sometimes with soft Words, and at other-times with harsh, letting others to understand thereby how they would have them Vote ; many times railing at the Prelates, and exposing them to scorn ; and using such methods as would make one's heart bleed to hear of, and much more to see : So there was one, who in the face of a General Congregation, called all the Prelates *Vulpeculas*, who were for having the Clause, *Universalem ecclesiam representans* added ; which could not be obtained, to the great detriment of the Council, and the great reproach of those who were called so ; all which, notwithstanding the Legates go on still with their *dicant Patres libere* ; which, considering how they carry things, I wonder with what face or conscience they can pronounce those words.

Farthermore, Passions and hard Words are not wanting here, and that among some of the Cardinals ; from which, no less than from their agreement, the Legates derive advantage, the honour of the Apostolical See, and the Pope's pleasure and displea-

displeasure being daily set before the Prelates to intimidate them.

Farthermore, In the ordering of the Decrees which they were to pronounce in the Sessions; and which, considering of how great moment they were, ought to have been discussed, with a close attention, the Legates took a course, that was extreamly dangerous and prejudicial. For whereas, after having disposed Matters according to their importance, the Decrees ought to have been composed some days before the Prelates did assemble, and to have been seen and examined particularly by every one of them, that so they might have understood what they were about, and whether there were any thing amiss in them that was so far from being observed, that the Legates having assembled the Prelates in a General Congregation, the night before the Session, read the Decrees to them, as they and their friends had been pleased to frame them. By which means, and by their not being understood by a great many of the Prelates, and others not having the courage to speak their Minds, and others being quite tired out with the length of the Congregation, the Decrees were passed; and having concluded many things after this precipitate manner, they pronounced them next day; which, whether they were prejudicial or not, let them see to it: We, for our parts, who saw and observed all those doings, cannot but lament, both our own condition and the lost authority of Councils.

Farthermore, Notwithstanding we are to believe, that in Matters of Faith, which have been decided by them, the Holy Ghost would not permit them to fall into any Error; we are nevertheless, as I observed before, to consider with what authority and discussion, such Matters ought to be determined, and
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how few of those that were here, were qualify'd for that work ; for among those who had a decisive Voice, I do not believe there were Twenty ; and for the other learned Men and Divines that disputed, they had only the Hearing given them. It was upon the Decrees being thus prepared and decided, that the Embassadour *Don Diego de Mendoza*, when the Legates were in such haste to pronounce the Decree of Justification, sent a Prelate to acquaint them with three Things : The first whereof related to his Majesty ; the second to himself ; and the third to the Bearer. The first was, That before they pronounced a matter of so great importance, for to consult the Universities of *Paris* and *Lovain* about it. The second was, That if they went on at this rate, his Majesty would send such a number of Bishops to the Synod, as would not suffer them to carry things so. The third was, That there neither was, nor had been, any thing of liberty in the Council. To the first they answered, That they would die a thousand Deaths sooner than yield to a thing, that would be so great a dishonour to the Council : the Bishop reply'd, That he did not see that there could be any inconvenience in the Legate's consulting those Universities ; and he might, if he would have said farther, nor in the Council it self having done it, and that the World would never have condemned them for it. For since, as I have observed, great Maturity and Discussion is necessary in all such Cases ; and Universities are Bodies that cannot go to Councils, as particular Men may ; it was but just, that those two Universities being so famous, should have been consulted ; the taking of whose advice, would not have hindred the Synod from determining what the Holy Ghost should have dictated to them : In fine, the Legate, without taking any farther notice of

of that message, caused the said Decree to be pronounced, as it is : And as to the other two Points, any body may guess what sort of Answer he returned to them.

Farthermore, In the Session wherein the Decree of Original Sin was pronounced ; the Legate, without having consulted or said a word to the Synod thereof, did all of a sudden read the Pope's *breve* in confirmation of that Decree ; a thing they have never since offered to do. By which we may see plainly, what account they make of the Council ; giving the World by that Act to understand, That the Decrees are therefore valid, because they were confirmed by the Pope ; without whose Confirmation, notwithstanding their being agreed to by the Council, they would have been of little authority : This, though a thing of great consequence, passed, without any Prelates offering to open his mouth against it.

Farthermore, It was much insisted on, that the Reformation of Abuses should go before Matters of Doctrine ; all the Mischiefs having sprung from Abuses, they being the things that support the Hereticks, and keep them in countenance ; and it being thereupon agreed, that they should go hand in hand ; the Legates, that they might seem to comply therewith, begun with the Abuses of Scripture ; and being brought at last to treat of Abuses in Practice, they decided so little therein, and that too with so many limitations, that it had been much better they had done nothing in it : It being visible to the whole World, that all that was done, was done at *Rome* ; which was rejoiced at and boasted of here, and that on purpose that the World might be made sensible, how little the authority of the Council signify'd, as to the redressing of things that are amiss.

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Farthermore, As the Legates were continually fencing off a Reformation made by any other way than that, so being desirous to pump out of the Prelates what the things were they pretended to; at the beginning, as if they had designed to make a mighty Reformation, and as if the day of Salvation had been come, they intreated all the Prelates, but chiefly the *Spaniards*, to deliver them in Memorials for their instruction of such things as they would have reformed; the Prelates believing that all would be remedy'd, did very innocently acquaint them with all that was in their thoughts; by which trick, the Legates having discovered all that the Prelates and Provinces desired, they sent an account thereof immediately to *Rome*, as was understood afterwards: This the Prelates did, notwithstanding they were warned by one before-hand, of what would be the consequence of it.

Farthermore, As the Legates do nothing but with tricks and dissimulation, so in the Session that was held here after such an irregular and tumultuous a manner, they made use of an artifice which is now notorious to every body; for having the Pope's *breve* always privately in their Pockets to make use of as there is occasion, upon some Prelates having on the day of the last Session, in their opposition, unadvisedly said, that the Pope knew nothing of that matter; for that if he had ordered it to be so, it would have been another thing; the Legates thereupon immediately produced the Pope's *breve*, and by ordering it to be read publickly, did stop the mouths of those Prelates, and gave a colour to what was done; making a Jest afterwards of their having taken the Prelates at their word: Such over-reaching as these have been their principal study in most matters.

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Farthermore, As it was the Legates drift, so far as they were able to canonize the Abuses of the Court of *Rome*, and so to weaken the Authority of the Council, that the Prelates should not have the courage to treat freely about Reformation, they never gave them leave to treat thereof any other way, than as has been mentioned; it being their whole business to make a Party, as if what they were about were a huckstering matter, or were the compounding of a Law-suit, in all which courses it is certain the Holy Ghost did not assist, striving still to authorize Abuses, and giving the World to understand, that the Pope is gracious in granting them any thing, as if all were his own, taking Abuses, though never so pernicious, and splitting them as they thought good; by which Artifice, that part of the Abuse which was approved of by the Synod becomes perpetual, and for the part that was reprobated, they will according to their custom find ways to defeat its condemnation. To which end the Legates have given the Fathers to understand, that they have a Golden Bull which shall approve of all that shall be done: Now let any one judge whether this be a true way of celebrating a Council, or of making a Reformation: for upon this foot it was debated here, that the Reformation might be made at *Rome*, as it is in effect, and not by the Council, nothing having been done here, but what was ordained at *Rome*; so that if every thing, that is any ways prejudicial to the Council is not done here, the World has reason to thank them for it.

But besides all this, and the Synods not having the managery of it self, there is nothing can be so much as to put the Vote without the consent of the Legates; who notwithstanding, by reason of the

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great Number of Pensioners which the Pope has here, are always sure of a Majority, do nevertheless make use of strange Tricks in their conduct of the Council: Besides, by having made their own Creatures, the Secretaries, Notaries, and all the other Officers of the Council, they have made it thereby a body, *Tot habens ædituos uti sacra ædiscustodes*, and without any thing of Soul or strength in it; Whereas all those Officers ought to have been appointed by the Council, and especially the Notaries; for otherwise what security can the Council have, that they will write down any thing, that they do not know to be agreeable to the Pope and the Legates; or at least that they will not stifle the Truth, or express it so as shall amount to the same: So if they who made the Protestation at *Bononia* had not had Notaries, and Witnesses of their own, they would have suffered sufficiently on that occasion.

This is the course that has been hitherto taken in the Council of *Trent*, which is employed rather in struggling with the Pope and his Legates, who seek to ingross all to themselves, than in reforming and remedying the Evils, under which the Church groans. I pray God it do not increase them by the course it takes, which is by Artifice and Dissimulation, so far to reduce the whole Synod to the Will of the Pope, that it shall be the same thing for the Pope alone to deliberate of things at *Rome* with his Creatures; as for the Fathers here assembled to do it, which is the truth of the matter, the Council being really at *Rome*, and at *Trent* nothing but the Execution of it: The substance of all that is done here, being sent hither determined from *Rome*, and being what the Pope with the Cardinals deputed there, to that purpose, and who do meet

meet together continually, have determined beforehand. So that it may be truly said, that we are here in a Convention of Bishops, but not in a Council; I wish these be not the last days: Whether things will continue to be carried on thus, to the End of the Council I know not; but I do very much suspect they will, and that for this reason; because they cannot be put into a better way for the Pope's purposes, and his Legate's who is coming, who supposing he were willing to remedy things so far as it is possible to do it by the way they are in; yet considering the times, and the present posture of things, it is by no means convenient, to run the risk of it; for which reason divers are of opinion, that since no remedy can be expected, it would have been much better not to have celebrated a Council at this time, but to have waited until God had put the Christian Commonwealth in a better disposition, than it is in at present, or till this period, which cannot last long, had been over, than to have celebrated one after this manner with so little fruit, to the great sorrow of Catholicks, the scorn of Hereticks, and the prejudice of the present and all future Councils, and what makes me immoveable, in such thoughts of the conduct of this Council is, the very Legation that is sent hither by his Holiness being so contrived, that nothing could have been invented more proper for compassing of his designs, in having sent but one Legate, with two presidents: For which, though they give another colour, neither have I seen their Powers; it is manifest, that their design therein, is to reduce all to a Monarchical Order and Authority; and to have all Affairs managed by one sole confident, to prevent the differences that might arise betwixt three Legates; whereas since their business

business here is to preside; had it not been for that reason, they would all three have been called so: It is true, that the word Legate, signifies an Embassadour of the Pope, or of any other Prince; nevertheless, according to the Style of the Court of Rome, and of modern Lawyers, none but Cardinals are styled Legates à latere; others though employed in the same business, being called by other Titles, as Nuncio, or as these are here Presidents, from their business, which is, to preside; which Title they take care frequently to inculcate; that they may be thought to observe the ancient Custom of the Apostolical See, of sending three Legates to Councils; notwithstanding two of them have not the same Authority with the third: After the same manner the Senate sent Ten Embassadours to Caesar, when he was fighting with the barbarous Nations to be Councillours to him, with whose assistance and advice he did great things: Pompey in the piratical War had likewise twenty Five Legates sent to him; the Ancients using so to join some with those they sent to govern Provinces, that it was doubtful whether they were their partners, or only their companions.

*Of the Office of an Embassadour in the
Government of a Council.*

IN case things should be carried in the Council, as they have been hitherto, as we have reason to believe they will, it will then be necessary to find some remedy for it; and by later cares, if not to revoke, at least to repair things so far as may be: which though it is a duty incumbent on all, it is His Majesty's concern, after a special manner, who as he is Emperour is Advocate of the Church, and Protectour of the Council, and the Executour of its Laws, and is bound to see that the Council injoy an intire Liberty and Security; neither can time or custom prejudice that Authority which a Council derives immediately from Christ: nay, the Council it self cannot part with it, or with any branch thereof to the Pope; no more than the Pope, or the Emperour, so long as they hold their several Dignities, can make one to be their equal or superiour: For according to the Philosopher, an inferiour, so long as the differing Terms do subsist, cannot partake of that which is above it, which is an Axiom approved of by the common Vote of all Writers: Wherefore since the Embassadour above all others, is to take care of this, he ought to have ample Powers given him by His Majesty, that so with them and his own Endowments, he may be able to transact, speak, perswade, dispute, countenance and direct, with that prudence and dexterity, as shall be needfull on all occasions.

For though certain Rules may be given in several cases, a great many must be left to prudence, in which after the manner of Gladiatours Council is

to be taken upon the Spot: For where instructions cannot be given for all Emergencies, many things must be left to the Fidelity of the Persons that are employed according to *Seneca*, in his Epistle to *Lucillus*.

A great deal might be said in General of the Office of an Embassadour, and of his main business, and of the care he is to take of Religion, and Reformation; but that being what every prudent Man may understand; I shall descend to particulars.

The principal thing I have to say, is, that the Embassadour must be sure to remember what the past conduct of this Council has been; that so being sensible of former Irregularities, and Inconveniencies, he may know how to find out a remedy for them, and to govern himself according to the old saying, *Piscator ictus sapit*, every head of such things being as an instruction to him.

Farthermore, besides the care the Embassadour is to take, to maintain the liberty of the Council, and to encourage such as speak with a good zeal, he must take heed to what is proposed in the Congregations, observing who it is that proposeth, and what he may propose to himself therein, or to what end he proposeth it: and what will be the consequence of doing it, or of leaving it undone; the substance of all his business consisting in these four things: The discussion of all which, as it requires a great application, so the Embassadour must be sure never to be absent, from the Congregations, and Sessions, that so things may not be carried as they were, when there was no Embassadour here for some time, and who was out of the way, when his presence was most wanted, which was when the Legates withdrew themselves.

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Farthermore, the Embassadour must engage the Prelates that are sent here by His Majesty, not to deliver their opinions presently in any case, that is proposed to them, and not to speak to things till after they have concerted them among themselves: for by having commonly voted rashly, and before they did well understand the matter, and what may be the consequence of it, they have given the Legates an advantage, to carry whatever they had a mind to.

Farthermore, the Embassadour must after the Prelates have considered the matters, that have been proposed, assemble them together to consult, that so they may go united as one body to the Congregations; without which they may labour their hearts out, without doing God or His Majesty any service; it being impossible that they should do business well, if that course is not taken.

Farthermore, the manner, time and place, where the Embassadour is to assist, ought to be all well considered of. The course that has hitherto been taken here having proved abortive; for what can the Embassadour being present only at the publick Sessions signifie, all things being so determined and settled before they came there, that they want only to be published: for it is in Congregations that the stress of the business lies, in which matters have been carried as I have intimated, at none of which the Embassadour ever assisted, neither would they admit him to be present at them, or if they should give way to it, it is not possible for him to be at them all three at once, and much less will they admit him to be present at the Congregations, wherein matters are argued by the Divines: Now matters being thus conducted in the private Congregations; the Embassadour assisting as he uses to do, at
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the publick ones can signifie but very little ; matters when they are brought thither, being in a manner already determined, so that the Embassadour knows nothing of what passes, but by relation ; and as for the learned men appointed by His Majesty to be of his Council, they can never know any thing any otherwise, having never been suffered to be present at any of the General Congregations, at which they ought to assist of right ; as to which Affair that a better Order may be settled, is plain from the course that has been taken by other Princes here, and from the course that was taken by the Kings of *Spain* in former Councils, namely those of *Constance* and *Basil*.

From what has been said it is manifest, that the Embassadour must by no means suffer the Legates to have their several Classes, that being a thing of most pernicious consequence, and destruction of the liberty of the Council, as I have observed before : For as it is reasonable that he should assist at all Congregations, that so nothing may be proposed therein without his knowledge and approbation ; so that there is the same reason for his being present, at all the private Congregations which are appointed by the Synod, though the Persons they are to consist of should be named by the Legates : For if he is not present when things are proposed therein, and handled in those Congregations, how is it possible for him thoroughly to understand them, or to perceive what the Legates aim at in them, or which is the same what their Creatures drive at to whom they many times give Orders to propose things, and to speak to them. For till this is done His Majesty's Embassadour is directly excluded, and the Legates will carry whatever they have a mind to, as they have done hitherto.

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Farthermore, Since whatsoever is determined in Matters of Doctrine, ought to be done with great Maturity, and a severe Discussion, and never but when the urgent Necessities of the Common-wealth do cry to have it done; otherwise Disputes and Schisms, that are not easily removed, may follow thereupon, as is acknowledged by all; namely, by *John Gerson* in his Tract *de Examine doctrinarum*; it is therefore the business of the Embassadour to bring things into another method than they are in at present: For as I have observed before, of an hundred Fathers assembled together any where, it is well if twenty of them are Divines, and capable of understanding such matters, the greater part of them, though otherwise good Men, being unlearned; and those that are learned, are so in other Faculties; or if they understand any thing of Divinity, it is but at second-hand. From hence it is, that some, in my judgment, with good reason have affirmed, that the Synod after it is assembled, ought to name some learned and eminent Divines, and to allow them, though they are not Bishops, a decisive Voice, and that for the stricter Examination of all Matters of Doctrine, that are to be defined; it is fit likewise that they should consult the most famous Universities, as I have said before, and as the Embassadour would have had them to have done, before they pronounced the Decree of Justification, and not to have so much regard to the Plurality of Voices, *Quia stultorum teste Philosopho infinitus est numerus*, as to the weight of the judgment of eminent Men, to whom this business ought to be committed by the Synod. *Hinc illud Plinii junioris dictum, de quodam Senatus consulto, aut quadam Senatus sententia, loquentis; quod quamvis sibi non probari signifi-*

significans, sed hoc pluribus inquit visum, numerantur enim sententiæ non ponderantur.

Farthermore, Though the Embassadour must be carefull not to quarrel with the Prelates, namely the Legates; but above all, not with the Pope, and who must for that reason be carefull to manage affairs with dexterity and modesty; nevertheless, he must not always sit silent in the Congregations, but must at once with modesty and vigour declare what he judgeth to be most convenient; and must encourage and oppose as there is occasion, *Ut intelligant omnes illum os habere, ipseque tanti principis legatus minime videatur asymbolus.* There being nothing that can in reason countervail the Exorbitancies he will suffer, being the Emperour's Embassadour, and much less the great Bondage the Bishops are brought under.

Farthermore, The Embassadour ought, in my opinion, to take care not to suffer *Doctrines quæ sunt præter fidem*, to be determined; and the rather, because there are some in great haste to have it done, that so there may be some means of Reconciliation with the *Lutherans* left: I take this to be a thing of the greatest importance, considering that the Hereticks, who are coming now to reduce themselves, which may God of his infinite Goodness give them grace to do, will be willing to have some colour given them, for their Obedience and Reduction. The Articles that are proper for that purpose, and over which, being of a positive Nature, the Synod has power to do what it pleaseth are manifest.

Farthermore, Since, as I have observed before, the Council is in effect celebrated at *Rome*, there being nothing here, but the execution of what comes determined from thence, his Majesty's chief care and
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Office of an Embassadour. . 155

vigilance must therefore be employ'd at *Rome*; and that there be such an agreement and correspondence settled betwixt his Embassadours, that they who are there may advise and direct those that are here, and they that are here may do the same to those that are at *Rome*, advising one another particularly of every thing of moment, or that may be any ways prejudicial: For let the Legates dissemble as much as they please, it is manifest, things will be concluded here, as they are ordered by the Pope and his Deputies.

Farthermore, For-as-much as I have observed before, it is a thing of dangerous consequence, that the Notaries of the Synod should be all the Legate's creatures, the Embassadour must endeavour to bring the Synod to name such to that Office, as it shall judge to be fit for it; and that the Prelates that are here from his Majesty, and the other Nations, do either name their own, or agree to name some in general.

Finally, Whereas Pope *Paul*, from the beginning, gave a Brief to the Legates to suspend or translate the Council, when, or to what place they should think fit; which Brief they kept secret till they had occasion to use it; it would likewise be expedient, that the Embassadour, besides his ordinary Instructions, should have a secret Power in form from his Majesty, to protest against any Suspension or Translation, which the Legates may offer to make; since such a case may happen as did before, and matters may fall out so, that it may be a great prejudice to us not to have such a Power ready. A great many more things may happen, for which no Rule can be given before-hand, it being impossible they should all be comprehended in Instructions; and must therefore

fore be left to the prudence and diligence of the Embassadour, who can have no such instruction ; as the observing of past miscarriages : The security and guard his Majesty is to give to the Council, is likewise a thing of great moment to its liberty, and to prevent exorbitancies : This and every thing else that is necessary, may his Majesty with his holy zeal and ardent desires find out ; and withall, such a remedy for the Church, as he hath for a long time been labouring to procure ; and may he provide such things as are convenient for the Service of God and the Reformation of the Christian Common-wealth : His Majesty, under God, being the Supporter of all the hopes and confidence, that the World has, of ever seeing things better than they are.

Dr. Mal-

*Dr. Malvenda's Letter of the 12th of
Octob. 1551, to the Bishop of Arras.*

Most Illustrious and Reverend Lord,

THE Reason why I have been so long in returning an Answer to your Lordship's Letter of the 29th of *September*, was, the extraordinary Business we have always just before the Session, when we are employ'd in correcting and altering the Decrees, and in informing the Bishops, by whom Affairs, but especially the Matters of Doctrine, which are to be placed before the Canons, are communicated to us very late; so that notwithstanding the substance of those Doctrines may be found, which it is well if it is; nevertheless, considering that they are to correct them upon a bare hearing them read upon the Eve of the Session, that must, in my opinion, hinder them from having that Authority and Majesty, which such Matters do use to have: I pray God give them Grace to mend this.

The Reason why they do thus precipitate such things, are these two, in my judgment.

1. The Divines, in the handling and discussing of such Matters, no less than the Fathers afterwards, are guilty of great Ostentation, affecting to speak much, to the spending of a great deal of time. It being common to have people commended here, for having spoke an hour, an hour and an half, and sometimes two hours: which they are now about remedying for the future.

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The Other is the Legate and his Faction industriously putting off the Examination of Doctrines to the very last day ; which they do on purpose, that there may be no time left for the promoting of any Doctrines relating to a Reformation ; unless they be such, as they are willing to have passed: And as nothing can be more palpable than this, so we are not to hope ever to see it remedy'd ; It being notorious that the Legate is so absolute in the Council, that though the Pope himself should be brought to yield to the carrying of things otherwise than they are ; that he would oppose him in it, knowing he would gratifie both his Master and the College therein: Of which, the difficulty he made in the suspending of the Article *sub utraque* was a clear instance: having threatned on that occasion, that he would be gone, &c. notwithstanding he was sensible at the same time, how necessary it was to do it, and had received the Pope's Order for it ; who, as your Lordship writes, appears willing to comply with his Majesty in such things : In which, if he is real, it would be convenient, that whatever the Pope is willing to have done here for the good of *Christendom*, and the remedying of *Germany*, may not be only signify'd to the Legate, but that he be made to understand that his Majesty and his Embassadors here are acquainted with his Holiness having ordered it to be done ; that in case any such difficulties as the former should be started, they may be known to be of the Legate's own creating, who, I suppose, will then rather choose to yield, than take the whole Odium of such things upon himself, or this will at least make the redressing of such matters much easier than formerly they have been.

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What I have to add, is, That though it is not fit that any thing should be done here without the Pope's being first acquainted therewith, nor indeed without his consent ; it might nevertheless be expedient, that the doing thereof should be managed with all possible secrecy ; in order to prevent the *Lutherans*, if they should come to know of it, reflecting upon the liberty of the Council, and the freedom that the Prelates enjoy, who might safely enjoy more without having any thing pass to the prejudice of his Holiness.

The Elector of *Cologne* is arrived here very seasonably, who will be very usefull to us in the direction of Affairs. I have already had some discourse with him, and have acquainted him with the truth of the business relating to the Suspension of the Article *sub utraque* : I have likewise, in the Name of the Embassadour, told the Elector of *Mentz*, what his Majesty's mind is in relation to that matter, and how necessary it is for the good of *Germany*, and for the bringing of the Protestants hither, beseeching him as a Prince of the Empire, who very well understands its Wounds, and desires its Cure, to favour us therein at the Deputation ; he promised, but with some difficulty, to do so, but has never spoke a word of it since, having been frightened by the Legates threatening to be gone, since the Council was robbed of its liberty, by having Articles suspended after they had been handled : Adding, That if Matters were suspended upon his Majesty's writing to have it done ; that that would give some colour to what the *French* had said already of the Council, and of its being assembled for no other purpose but to serve the Ends of some particular persons. By such methods as these it is that the Legate, who is a very subtil Man, and much vers'd in business,

business; finding that Elector to be jealous and ir-resolute, does so manage him, as at least to make him hold his tongue.

But notwithstanding I did plainly perceive how it was with that Elector, I did not let him know so much; but, on the contrary, extolled his good Intentions, and the Answers he gave me concerning the Progress of our Affairs, and his Majesty's Service; encouraging him all I could to promote and countenance them. Though, after all, considering the Temper of the Man, I do not think it will do much good upon him, unless the Elector of *Cologne*, who appears to be much more resolute and fix'd, should be able to influence him, I wish he may.

We took care to inform the Electors of *Mentz* and *Triers* of what his Majesty had wrote hither, before the Arrival of *Don Francisco*, concerning *Parma*, and with all I knew, relating to *Piedmont*, and the taking of the Ships at Sea. I did it so, that they declared to me, that they were of opinion that not only the Empire, but all Christendom were so deeply concerned in the Evils, which must attend a Breach with *France* at this time, that they ought to lay all other business aside, and apply themselves wholly to the procuring of a Peace with this domestick Enemy. By this I plainly perceived how they stood affected; which put me upon representing to them the *French* King's baseness, in having broke his word, by beginning a War contrary to his promise, and in having called in the *Turk*, and for endeavouring to hinder the Progress of the Council; and that for no other reason, but to prevent the Quiet of *Germany*: that being the thing in the World that he dreads the most, being sensible that a General Union of the *German* Princes must necessarily defeat all his ill designs; no less than those of his Cousin
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the *Turk*: this is the substance of what I told them at that time.

I do here send your Lordship all that is printed of the last Session; what was done here yesterday, your Lordship will be informed of by *Don Francisco's* Letters to his Majesty; the sum whereof was, the Decrees relating to Doctrines and Reformation, the submission and reception of the Procurators of *Brandenburg*, the safe Conduct, and the Answer that was given to the *French*: The safe Conduct I had never seen, before I heard it read yesterday in the Pulpit; and neither the Fiscal nor I, for we were together, were satisfy'd with it. At night I was told by *Don Francisco*, that the Legate had promised to grant such a safe Conduct, as his Majesty should judge necessary; which, though it may not give content, yet will make it better.

The Fiscal is certainly the person your Lordship takes him to be; that is, a very judicious and sensible Man, and very serviceable in giving such directions as are necessary in a Council; and he is withall much your Lordship's Servant.

The Answer that was given yesterday to the *French*, so far as I could understand it, by hearing it once read, was satisfactory; it was at least good Latine, and withall gentle and paternal; and for this last reason very fit and proper for a Council.

I cannot omit putting your Lordship in mind, that when his Majesty desires that any thing should be delay'd here, it will be necessary to give us timely advice thereof to prevent the difficulties which may otherwise be raised by the Legate, who ought likewise to be acquainted with his Majesty, having ordered some things which have been handled and treated on for to be altered. This, if it is possible ought to be done effectually.

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I have been told by the Elector of *Cologne*, who, I suppose, has communicated the same to your Lordship, that it would be expedient that henceforward, nothing that is here treated of and decided should be published, before the end of the Council: For besides, that such matters would come out with the more authority for being all published together, it would prevent the Decrees having Books printed against them by the Protestants in *Germany* and *England*; and who, if they should come hither, would not hear their doom at the first Session, but might be entertained with hopes till the last: But though the Elector of *Mentz* do's approve of this, and I myself am of the same mind; I am nevertheless afraid, that the Legate will start such difficulties against it, particularly its not having been the course that has been taken from the beginning of the Council, that it will not be practised.

In the next Session the Sacraments of Penance and Extream Unction will be handled; they were proposed yesterday, and will consist of at least Twenty Articles: I do wish from my heart that they would proceed more slowly untill the Protestants arrive, that so they may not, when they come, find all things as good as determined: But however that may happen, they will be heard from the beginning to the end, which will make some amends for what may have been before determined against them: This makes me wish that the Protestants would make haste to come hither; but let them come when they will, it will be bad news to the Legate and his Party, who, for that reason, are willing to believe, that they will never come, for they are all in a terrible fright to think of the freedom they may take to speak concerning Manners and Discipline.

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I do not find there is any care taken about my Maintenance, notwithstanding I am at more charge than any of my Companions, being continually upon Duty. I leave it to your Lordship to judge whether it is not fit I should have some provision made for me; for what a disgrace would it be, if it should come to be known that I have been so long neglected. Wherefore if *Erastus* has done nothing in it, I must beg your Lordship's assistance therein.

The breaking out of the War has, I suppose, put a stop to *Malgesa's* Journey to *France*; for as I have writ to him, he can have no business there now, unless it be to ransom Prisoners: My Lord Bishop of *Castellamar* kisseth your Lordship's hands a thousand times.

The Lord prosper your most Illustrious and Reverend Person, and augment your State, as I desire. In this you may trust me.

From Trent the
12th of October,
1551.

I kiss your Lordship's Hands.

P. de Malvenda.

P. S. Your Lordship will understand by *Don Francisco's* Letter, that the *French-Man* who brought the Protestation here was present at the reading of the Answer to it, though he do's not pretend to carry it; I am apt to think we may have an Appeal, or something like it, at the next Session; it would be convenient therefore in case there should be one to know what his Majesty would have done upon it: For whatever his Majesty shall order, will be faithfully executed by *Don Francisco*, who is a person extremely well qualify'd for the business of a Council.

Dr. Malvenda's Letter of the 8th of Novemb. 1551, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

Notwithstanding I am still very much indisposed by the Air of these Mountains, and the fatigue of Books, I could not forbear bidding your Lordship welcome into our Neighbourhood; where, though I shall not be able to converse with you but by Letters, nevertheless the thoughts of having you so near is a great comfort to me in this solitude.

I doubt not but your Lordship has had an account of all that passed here, and of the Divines having spoke, and how well one of our Doctors might have excused treating the good Dean so courselly as he did, in favour of the Articles proposed by the Legate; which Doctor, notwithstanding I, as in reason bound, gave place to the Dean, pretended to speak before him; but that matter is now remedy'd, if no other Orders come about it. In the Morning the Bishops begun to assemble to give their Votes; they will first treat whether it is fit to chuse Deputies presently, for to form the Canons, upon which the Bishops are afterwards to deliver their Opinions; or whether the Bishops are first to deliver their Minds upon the Articles, and the Canons are afterwards to be framed according to their sentiments; and being made, are to be returned, to be read and finished by the Fathers: The first is the shortest way; but the second having a greater appearance of liberty and authority in it, will, I believe, be taken; not but that there are those who do stickle hard for the first way. The Soldiers passed thorow
this

this City yesterday ; I saw but a part of them, who, though they had but indifferent Pikes, appeared to be good Men.

The Cardinal of *Trent* is very kind to me ; which being on your Lordship's account, I desire you, when you write to him, to thank him for it.

I kiss your Lordship's hands a thousand times for the favour you have shewed to Dr. *Velasco*, as he writes me ; for which, though it is your Lordship's custom with all that deserve so well, I return you many thanks.

Menfy, when he passed thorow this City, was above two hours in the Cardinal's House, but did not exchange a word with any of his old friends. *Don Francisco* complains very much of it ; but when he returns, I shall reprimand him for us all. May our Lord preserve your Lordship's most Illustrious and Reverend Person, and increase your State, as I desire.

From *Trent* the
8th of *Novem-*
ber, 1551.

I kiss your Lordship's Hands.

P. de Malvenda.

P. S. I beseech your Lordship to Command my Business to be dispatched, for I do sustain great damage by its not being expedited.

Dr. Malvenda's Letter of the 22d of Novemb. 1551, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

I Had my Pen in my hand to have writ your Lordship the reason why I had not answered the four last Letters I have received from you. when a fifth from your Lordship, with a Copy of English Verses in praise of Father *Bucer* coming to my hand, hindered me from doing it at that time. What I was then about to write, was, That I had been troubled fourteen days with a Catarrh, not of the pituitous sort, which is incident to Students, and does commonly purge by the Mouth and Nostrils, but of that sort, which running down from the Head thorow the Spondals to the Neck and Shoulders, afterwards spreads it self over the Sides, which has brought me so low, that your Lordship would scarce know me: Its Pains were most violent in the Night, and were increased by Sleep, and chiefly in the Side I lay on, though some Nights ago it was most violent in the opposite Side.

Hitherto it rather increaseth than abateth seizing me now sometimes by Day. I believe Exercise would spend the Humour, and do me good; which, for want of Time and Walks, I cannot have here: I do find a Fit of it coming upon me at this instant. I writ some days ago to *Gregory Lopez*, there being no Physician of any note in this place: but I have not as yet had any Answer from him. I hope your Lordship will pardon me for not having as yet returned an Answer to the Bankers of *Besanzon*, considering that till my Distemper does abate, I am not able to apply myself to any business. As there will
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not want those that will write of this Council; so, for my own part, I pray God it may not do more harm than good, and especially to the *Germans* that are here; who seeing how little liberty it enjoys, and how much it is under the dominion of the Legate, cannot possibly have that respect and esteem for it, as is convenient: For I can perceive that they are much scandalized, as the Prelates are also, to see so many learned Men brought by his Majesty from *Spain* and *Louvain* only to deliver their Opinions in one hour, which may be done as well by one of a superficial Learning, as by a *Fisher*, an *Echius* or a *Pighius*; those learned Men having never been called to the making of the Canons, no, nor Doctrines, notwithstanding its having been proposed to the Legate by some Bishops, and particularly by him of *Verona*, that they should be called to it.

It is certainly a great load upon some people's Consciences, to consent to the having the weightiest affairs of Christianity handled after such a manner; and that after his Majesty has brought Great Men from Countries where they did much good, no use at all should be made of them; the truth whereof your Lordship will easily perceive, by the little or no Majesty, that is in the style of the Doctrines; and which is so different from that of Justification, though even in that there is something left out that might have been said. This is very much resented by *Gropperus*, the Provincial and others: but I am told by some that there is no remedy for it, they being resolved to have all they did at *Bononia* established here. But as my Distemper, which has now held me thirteen days, has hindred me from seeking to remedy this, so my continuing still ill was what made me acquaint your Lordship with it.

The senior Fiscal discovers himself to be much your Lordship's Servant by the kindness he shews me ; he is a Person that thoroughly understands all that is to be done here, and is abundantly sensible of all that I have said above concerning the small fruit, if there is not a change in the face of affairs, that is to be expected here.

I can never persuade my self that this comes all from *Rome*, because it would be a great shame if it did. Your Lordship may believe, that they imagine here that we are for delaying matters ; which, judging of us by themselves, they think the Times do oblige us to. I can write no more, my Pains not suffering me to do it. May our Lord preserve your Lordship's most Reverend and Illustrious Person, and increase your State.

From *Trent* the
21d of *Novem-*
ber, 1551.

Your Lordship's Servant
kisseth your Hands.

P. Malvenda:

Dr. Mal.

Dr. Malvenda's Letter of the 19th of Decemb. 1551, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

IN a Letter I writ to your Lordship three Days ago, I gave you an Account of my indisposition, since that I received one of the Thirteenth, wherein your Lordship expresses, as you do on all occasions, a great inclination to do me a kindness, which is a favour I set greater value upon than my recovery, of which *Dr. Gregory Lopez* now assures me, and do begin to find it in part, nevertheless my ill Nights and broken Sleep, will not suffer me to believe all that they tell me

The Letter your Lordship writ to the said Doctour came very seasonably, the Doctour esteeming it a great favour, as I do also, it being all concerning my health. It has been a great trouble to me in my sickness, that I have not been able to negotiate with the Electours, with whom I might have done some service; I hear, he of *Mentz* is resolved to depart, who will be followed by the other of *Triers*; *Mentz* would be glad that there were no Answer given to the Captain that he has sent, and I am of the mind, that His Majesty and all that are about him will not be able to keep him much longer here, or to cure him of the fears he is in of those ungovernable People; Wherefore the best way would be to let them both go, leaving their Votes and Powers in the Council with him of *Cologne*, who is to remain. For should it be known here, that the Electours departed without having had an Answer, and leave from His Majesty, the opinion they have here of His Majesty's Authority would be much

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much lessened thereby, both by the Electours themselves, and the rest of the *Germans*; but whatever is done, it is expedient that an Answer be presently returned to the Electours, and to *Don Francisco*, who, as in all other Affairs, has taken a great deal of pains in this, which he has conducted as he ought to have done; *Cologne* continues as yet very firm, I pray God his Companion's Example have no ill influence upon him; *Gregory Lopez* kisses your Lordship's hands. May our Lord preserve your Lordships most Illustrious and Reverend Person, and increase your State.

From *Trent* the
19th of *December*,
1551.

I kiss your Hands.
P. de Malvenda.

*A Letter of Dr. Malvenda's of the
16th of January, 1552, to the
Bishop of Arras.*

Most Illustrious and Reverend Lord,

With the Letter was deliver'd to me by the Laquey, I received a great favour, not having received one for several Days before; your Lordship seems to think, that I am perfectly recovered; whereas, in truth, I have worse Nights now, than when the Physician left me, which he did fifteen Days too soon for my health; but notwithstanding, I paid him magnificently, considering my Poverty, and how *Erastus* useth me, I could not keep him here any longer. I am in your Lordship's debt, for the Money you ordered to be given to the Posts, which so soon as I am able shall be repay'd.

Not.

Notwithstanding I do not, nor am not able to stir abroad, unless it be now and then to *Don Francisco* in the Night. I am informed nevertheless of all that passeth, and when timely advised of things, do give my opinion.

As to the Envoys of *Wittemburg*, and *Strasburg* desiring to be heard; it is a thing in my mind, that cannot in reason be denied, after having granted them a general safe Conduct; and who, though they should desire to have the Session prorogued untill they were heard to all things from the beginning, ought to be gratified therein, and that without requiring a submission of them, or any other devices of the Legates: for these being the first, it is of a great moment, that they should have no cause of complaint or discontent given them; your Lordship may believe me, the Legate is upon his Tricks, starting difficulties in every thing, and studying how to intimidate our Ministers to that Degree, that they shall not have the Courage to propose any thing that is difficult to him, of whom in the most easie and indifferent things, they have reason to be jealous.

Don Francisco takes a very good way, in my mind, with the Envoys of *Duke Maurice*, in respecting and caressing them as he does, in which he is assisted by *Cologne*, and *Trent*: It is very necessary to use Artifice with them, as well as with their Master when he comes, for to put them into a good Temper, and to oblige the Papalins to hear them, and not to hunt after pretences to drive them away. And so, though, as I have said, I cannot treat with them; I shall nevertheless do all I can, and being once recovered shall not be wanting in doing my Duty.

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The Theologues fall here like leaves, but the Bishops hold out well; it is certain that our Nation, which is the greater part of this *Junto*, do want a Physician of their own Countrey very much, a great many of them having died for want of such a one. Our Lord prosper your Lordships most Illustrious and Reverend Person.

From Trent the
16th of January,
1552.

I kiss your Lordships Hands.
P. de Malvenda.

Monsieur *Gallo* has acquainted me with your Lordships kindness to him, both in words, and otherwise, which favour he placeth partly to my Account, but I have told him that he must attribute it to his own worth, and your Lordships disposition to such as he is.

Dr. Malvenda's Letter of the 27th of January, 1552, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

DO N *Francisco's* Letter to His Majesty will acquaint your Lordship, with the great struglings they have had here with the Legate before the Session was held, as well about the Audience of the Envoys of the Dukes of *Wittenburg*, and *Maurice*, as about the safe Conduct, and the Clauses thereof; *Ubi in singulis est multum diuque laboratum*; in which, as indeed in all other Affairs, the said Embassadour takes much pains, having with a wonderfull dexterity, carried a point in the business of the Marquis of *Brandenburg*, contrary to the
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the good liking of several of the Fathers. In all which encounters with the Legate, the Senior Fiscal has still fallen upon wonderfull Expedients, who being a Person of great Learning, and withall much experienced in Affairs of this Nature, has not been mistaken in one single point, as I am able to witness for him, who though still very weak, have been present at all the Consultations of the said Embassadour and Fiscal.

Among the things proposed by the Envoys of *Wittemburg*, there were several great points of Reformation, and I am told, and do see it, that a great Number of the Prelates, since they are not permitted to propose any thing of that Nature themselves; are glad at their having been proposed by others, which they hope may give occasion to the reforming of several Abuses, in giving His Majesty a handle whereby he may urge his Holiness for to consent to it, by telling him, that since those Abuses and Points of Reformation have been now so publicly proposed to the Council, that all *Christendom* must ring of them, the Council cannot after that with a good Conscience, or in Honour, so far neglect its Duty, as not to redress the most important of them, and which are so gross, *Ut in oculos etiam puerorum incurrant*; His Majesty ought by no means to lose such an opportunity as this, of pressing home those matters, and the rather, because he can lose nothing by doing it, though he should have a deaf Ear turned to all his Remonstrances.

There is one thing I cannot forbear acquainting you withall, which though it ought not to be spoke of here for fear of spoiling the Game we are now playing with the Protestants, ought to be treated about with Duke *Maurice* when he comes. It is that his Envoys and Lawyers who are here, do
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not only propose their Doctrines, and the Reasons they have for believing them, but do likewise propose Laws which they would have observed, in requiring the Council to pronounce *it self superiour to the Pope*, and to declare *all the Prelates thereof to be absolved from all the Oaths they have taken to him, &c.* Now if when they proposed such things as these, they had at the same time promised to submit in all points to the judgment and determination of the Council, when possessed of such an Authority and Freedom, their having done it might then have been tolerable, and not altogether unreasonable; whereas for them, at the same time, they propose such Laws, to exempt themselves from the Jurisdiction of the Council, by making the Scripture the sole Judge of all their Controversies, appears to be both unjust and arrogant. It being a bold thing in them in my opinion, and an indication of their intending to propose nothing here, but what has been said by their Writers, that so having given their Masters some satisfaction by their having come to the Council, they may return home with the same opinions they brought, giving no other Power to the Council, than that of speaking to their matters. I thought it convenient to acquaint your Lordship with this, that if you should think fit you might treat with *Maurice*, and the other Protestants about it.

The Procuratour *Gualby*, has writ to me to put your Lordship in mind of allowing something, out of the vacant Benefices of *Arragon*, for the maintenance of Students; it is certainly a very good thing, and ought to be looked after, so that your Lordship will do a thing worthy of your self in promoting it.

The Bishop of *Castellamar* kisseth your Lordships hands, and desireth me to let you know, that it is my being here, and the knowledge he has of your Lordships being oppressed with business, that hinders him from writing to you. I must tell your Lordship, that he is one of the Prelates that handles the matters of Doctrine, and the Controversies that are about them, with great Learning and Accuracy; and who has had a long banishment here, I must therefore intreat your Lordship to lay the Merits of this Prelate before His Majesty; and in case he can have neither the Bishoprick of the Canaries, nor that which will be voided, to fill it, that he may be translated on the first occasion to some Church in *Spain*, which, being His Majesty's Chaplain, with so great Merits and Services, he very well deserves.

I cannot say I am well, having bad Nights still, by reason of a pain in my Kidneys, and I am so much broken, that I doubt I shall not recover my strength quickly.

Don Francisco has writ to His Majesty to acquaint him, with the great want the Prelates that are here, and especially the *Spaniards*, are in of a Physician of our own Nation, and with some of our Theologues, having died here for want of such a one; I am told he will desire to have Doctour *Gregory Lopez* sent hither, who I believe will be glad of the Employment: I need not tell your Lordship how much I am indebted to the said Doctour, for the Journey he took hither at your Lordship's Command; I do therefore beseech your Lordship to promote his coming hither again, all you can, and the rather, because the Doctour is so near, and the Council is not like to sit long: I hope His Majesty will not deny this request, which is made to him by the whole
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Council in a manner. The Lord prosper your most Illustrious, and Reverend Person, and increase your State,

From *Trent* the
27th of *January*, 1552.

I had forgot to write to you concerning the Disturbance that is raised here by a Clause in the Doctrine of the Sacrament of Order, into which without ever having had it disputed, or so much as communicated to the Prelates, they have foisted in the Authority of the Pope above the Council, making as if there were no Office in the Church, Bishopricks not excepted, that are not of his donation and distribution, in contradiction both to the usage of the Primitive Church, and to the Truth of things: But notwithstanding this business ——— when it was pressed by the Legate, had a stop put to it by a suspension of those matters, I am informed that the Legate designs to bring them speedily upon the Stage again, and particularly that Clause, which will be of so great prejudice not only to *Germany*, which after the Pope's Authority is once declared to be superior to that of Councils, will never have any regard for such Assemblies, but to all that part of *Christendom* likewise, which follows the Conclusion of the Synods of *Constance* and *Basil*, which the University of *Paris*, and the whole Kingdom of *France* do. I am of opinion, that so weighty a matter as this is, ought not to be handled *Ex incidenti*, but *De proposito*; and at the End of the Council, though considering the inconveniencies which will attend its being any ways determined, it would certainly be the best course not to meddle with it at all. But the Legate seeing a great many
Domi-

Dominicans here, and a great Number of Spanish Prelates, who do generally follow *St. Thomas*, he is very earnest to have it proposed again ; hoping he may be able to carry it in the Council: It is certainly a very unseasonable thing, so that it would be well if there were an Order against meddling with it in this Conjunction, since the determination thereof will infallibly drive away the *Lutherans*, and destroy the Authority of the Decrees of the Council in a great many Provinces ; I do suppose *Don Francisco* will write to His Majesty about this.

I do kiss your Lordship's Hands.

P. de Malvenda.

The Difficulties I have mentioned, with greater which are expected upon the Arrival of the Protestants, and the Legate and his Creatures customary opposition, have made *Don Francisco* for to judge it necessary, since the Court is so near, to send the Senior Fiscal to it, to inform His Majesty, and your Lordship at large how things stand here, as a Person who knows well how to do it, and how to take time by the forelock. I will tell you one thing that is certainly true, which is, that if the said Fiscal should be perswaded to take this Journey, the desire he has to see your Lordship, will be his main inducement to it ; and so I do believe he may depart from hence in two Days.

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Dr. Mal-

Dr. Malvenda's Letter of the 26th of February, 1552, to the Bishop of Arras.

Most Illustrious and Reverend Lord,

YOUR Lordship, in what you say of the Fiscal, is certainly in the right, it being no more than what I have always known of him. I am in his debt for the good Office he did me, in reciting the Calendar to his Majesty, wherein I do believe that might happen to him that is said of *Cicero*, the Flower of Orators, that he was come to the Lees; nevertheless, I thank him as much as if he had drawn nothing but pure Wine out of it.

The Resolution he has brought is extreamly well concerted, and the most convenient for our affairs that could possibly have been made; and it appears so to the Elector of *Cologne*, to whom I reported it, as it did also to *Mentz*; nevertheless, as your Lordship will see by *Don Francisco's* Letter, the Legate will do all that is possible to defeat it, and especially if the *Lutherans* should come: He seems to have begun it already, by having adjourned the Congregations untill he has received an Answer from the Pope, and for to imagine that we shall ever have any alteration made here, in any thing that comes determined from *Rome*, is to look after the fifth Foot of a Ship. I have from the Elector of *Cologne* acquainted the Embassadour with the Message that was sent him by the Legate; which was, That he believed the Council would not proceed, notwithstanding he laboured all he could to keep it on foot: He has begun likewise to drop some words, as if the *Italian* Bishops would not be perswaded to tarry any longer, if a Session were not held; when, at the same time,
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it is manifest, that it is he that hinders it by delays: Pray God grant them a better mind, than I have hitherto been able for to observe in them.

Whatever your Lordship shall do for the Bishop of *Castellamar*, will certainly be well bestowed, as will also what you shall do for Father *Abbot*.

Upon Doctour *Olivares* going with the Queen, We gave over all hopes of having *Gregory Lopez* sent to us, which was no small trouble to the Council, in which the Bishops have distempers enough, but have not one Physician to take care of their health. I begin now, God be praised for it, to recover in earnest, though I have a defluxion still that falls every Morning from my Head down into my Neck with no small pain, which growing every Day less I take to be a good sign: *Erastus* when he was here, promised that when he returned from *Spain*, he would dispatch that business of mine; I must therefore intreat your Lordship to command him to remember it, that it may according to his promise be dispatched by the next Currier that goes to *Spain*. May our Lord preserve your Lordship's most Illustrious and Reverend Person, and increase your State.

From *Trent* the
26th of *February*,
1552.

I kiss your Lordship's Hands.

P. Malvenda.

Don Francisco de Toledo's Letter of
the 1st of December, 1551. to the
Bishop of Arras.

Most Illustrious Lord,

THE multitude of business we have always, just before the Session, and the shortness of time we are allowed to do it in, hindered me till now from returning Answers to your Lordships Letters; which I shall now do to them all four of the 9th, 12th, 20th, and 23th of the last Month: As to the first, which gives an account of your Lordships being come with your Family in health to *Insprug*; your Lordship has no Servant that can rejoyce more at it than I do; nay, I speak modestly in not affirming that I do rejoyce more than any of them, as well for some reasons I have formerly intimated; as, because the nigher I am to your Lordship I am the better satisfied, and especially if it should so happen, that I should be commanded to come to Court, your Lordship having promised you would remember me, whenever the Affair of *Pomblin* shall come to be treated of, which, for some reasons I have formerly given your Lordship, I do infinitely desire to see concluded to the satisfaction of both Parties; I can tell your Lordship nothing that is new relating to that business no body knowing the whole Merits thereof, and all that has been done in it for several Years, so exactly as you do: Wherefore being sensible how well your Lordship stands affected to the concerns of the Duke of *Florence*. I will not spend words in supplicating, but shall remit the whole thereof
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to the prudence and justice wherewith your Lordship manageth business; and so expecting your Lordships Commands about it, I shall say no more at present.

As to the precedency of the Doctours that are here, in His Majesty's Name, we shall follow your Lordship's Order therein, it having formerly appeared to us, to be very inconvenient for His Majesty's Service, that there should be any differences or disputes among them; and being still of the same mind, we do at this time observe that Order: Monsieur *de Poitiers*, and I, whenever there was the least pretension betwixt them, having formerly commanded them to speak according to the Seniority of their Degrees.

I have performed that Office to the Electours, His Majesty commanded, which Order I know your Lordship must have seen, by the advice you gave thereof, since the doing whereof I am informed, they are all extreemly satisfied with His Majesty's Will in that point.

As to what your Lordship writes concerning your being satisfied with the Conduct, of the Fiscal *Vargas*, it gives me great content, knowing him to be one of the most learned and best qualified Persons of his profession, and withall very zealous for His Majesty's Service, and much devoted to your Lordship. Your Lordship is therefore bound to favour him with His Majesty, and to see that he be rewarded according to his Merits and Services, which I shall take as a great kindness. he being a Person for whom I have a particular affection, being much beholden to him for the assistance he has afforded me; if which your Lordship takes notice. In a word, he is certainly such an Original as is not to be quoted again. I have made your Lordship's

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Apology, and in case I succeed I shall advise you of it.

As to the affair of the Houses, I was busie about it some days before I received your Lordship's Letters, which commanded me to take care, that the Synod was not imposed upon by the Taxers; with whom, as also with the Country People, I have laboured to concert things, and have brought it near an issue; and having granted both to the Citizens, and the Conciliaries all that they pretended to, I have erected a Court to give satisfaction to all Parties for what is past, the Deputies whereof are at this instant going about in great Unanimity to view the Houses, which they tax in Conformity to an Agreement we are come to. I take all the care I can in this and every thing else, to satisfie the Prelates, and not to suffer the People of the Country to exact upon them. Our Lord protect and prosper your Lordship's most illustrious Person and State.

From Trent the
1st of Decem-
ber, 1551.

Your Lordship's Servant.

Don Francisco de Toledo.

I have suffered extreamly by Dr. *Malvenda's* Sickness. I trust in God he will by the Assistance of Dr. *Gregory Lopez* recover his strength again, so as to make compensation.

Don

Don Francisco de Toledo's Letter of
the 20th of December, 1551. to the
Bishop of Arras.

Most Illustrious Lord,

I Have received your Lordships of the third Instant, to which, being very short, I have little to return in Answer, only that I kiss your Lordships hands a thousand times, for the favour you did me therein, in acquainting me with your health, which being the best News I can receive, I should be glad to hear of it hourly. *Erastus* passed through this place, but made no stay, being in haste, as he told me, to be at *Milan*. His Journey has furnished the Prelates that are here, with matter for a great deal of Discourse, who though I have assured them they are mistaken in their GuesSES about it, will not believe me: I am waiting for His Majesty's Answer to all that I have laid before him, if it does not come quickly we shall be involved in great difficulties, having a great many things to think, and treat of before the Session, and shall have but little time to do it in. I am sensible that there is no need of putting your Lordship, who understand the Legate's method so well, in mind of this, nevertheless for my own satisfaction, I could not forbear desiring it. The Report that the Electours are about departing has made a great change here, of which my thoughts are, that as they are neither satisfied with themselves for having come hither, nor with their having stayed, so it is to be feared that they will make use of this, or some other occasion to go away. Now this of their staying or going being a

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matter of so great moment, it will be necessary that we should presently know His Majesty's Mind about it; but your Lordship is too sensible of the Weight of this Affair, not to employ all your diligence therein. The Legate has dispatched a Currier to his Holiness about this change, who I dare say will not be sorry at their going away. Our Lord protect and prosper your Lordship's most illustrious Person and State.

From Trent the
20th of Decem-
ber, 1551.

Your Lordship's Servant.

Don Francisco de Toledo.

Don Francisco de Toledo's *Letter of*
the 7th of February, 1552. to the
Bishop of Arras.

Most Illustrious Lord,

I Have nothing that is new to write to your Lordship; only that the Bishop of *Vienna*, Embassador to the King of the *Romans*, died here yesterday of an intermitting Fever, which begins to spread in these parts; he died Christianly, having ordered his Body to be carried to his own Country, which for the present is deposited here in the great Church, to which it was accompanied by the whole Synod, excepting the Legate, who was hindered by his indisposition from assisting at the Solemnity: I sent to know how he did, and had word brought me, that he has for seven or eight Nights been troubled with a fit of a Fever, which has brought him low, and that

that he is extreemly melancholy and discontented: he has locked himself up, and does not care that any body should see him: I am apt to believe, the jealousies he has conceived of the Affairs at *Rome*, are the chief Cause of his Illness. For I am told he has received advice, of the Pope's making more use of some of the new Cardinals, than he would have had him: Which, knowing the easiness of the Pope's temper, has put him into a great fright. I must intreat your Lordship again to dispatch the Fiscal with all possible expedition, for the reasons I have formerly given, as I do also, that you would send Dr. *Gregory Lopez* to us quickly, who is every day more and more wished for here by the Prelates, who are in great want of him.

The Electour of *Triers* is extreemly earnest for a licence to go home, and has desired one of His Majesty; if he does not feign he is very much indisposed, and who, though he was never very eloquent, is now less than ever he was, being neither able to speak, nor understand a word, that is said to him. May our Lord preserve and prosper your Lordship's most Illustrious Person, and increase your State.

From *Trent* the
7th of *Febru-*
ary, 1552.

Your Lordship's most
obliged Servant.

Don Francisco de Toledo.

The

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*The Bishop of Oren's Letter of the 12th
of October, 1551, to the Bishop of
Arras.*

Most Illustrious and Reverend Lord,

YOur most Reverend Lordship has just cause to thank God, for your having got so able a Minister, to conduct and countenance the Affairs of this Holy Council, which do now begin to have some life in them; neither have we any reason to fear, but that God, who now begins to restore his Church to life again, by the Ministry of our Lord the Emperour, will restore His Majesty's Health, that so he may be able to do things that will force his Enemies to confess that God is on his side.

The Session that was celebrated yesterday, was so full of Grandure and Holiness, as to give us fresh hopes, of which since the Embassadours must have given an account, I have nothing to say, but only that God did certainly inspire His Majesty in commanding the Communion, *Sub utraque specie*, and of Infants, to be suspended, which being things whereon so much stress is laid in those Provinces, it would have been a great Errour for to have determined them in the first Session, without having heard the Protestants: The Embassadours of the King of the *Romans* have given us a great deal of trouble in this matter, by having affirmed that to be of Divine Right, as your Lordship must have been informed; nevertheless, by their having since submitted themselves to the correction of the Council, that danger is over.

The

The Messengers of the Marquiss of *Brandenburg*, have given us great satisfaction, whose Master, by having submitted himself in earnest to all the determinations of the Council, has given a good Example, so that should the Count *Palatine, Maurice* and *Wittenburg*, but do the same when they come, we should recover perfect hopes of remedy.

Every thing has been done in this Session, that His Majesty had ordered, and in my judgment as was most convenient, only one thing excepted, and against which I gave my Vote, which was its being declared in the last Canon, that Sacramental Confession is necessary to be made before the Celebration, which, though in it self very just and certain; nevertheless, since we are in the next Session to handle Sacramental Confession, and to argue whether Vocal Confession is necessary, and whether it is of Divine Right, and who is the Minister thereof. I say, since all this is then to be treated of and determined, I was against having had it declared in this Session, that Confession was daily necessary, and the rather, because it has not as yet been declared to be so annually. For though it is probable, that they who are to argue it, *pro* and *con*, may make no difficulty in that point, nevertheless I was for having every thing that related to Sacramental Confession determined in the next Session; First as to all its Generals, and afterwards as to all its particulars, whereas the Protestants will now say, that there is no room left for them to dispute about it, since it is already declared in this to be necessary: but since my Vote did not take effect, I will believe that what has been done was best.

As to what concerns a Reformation, His Majesty's Assistance will be found to be necessary to it, who must set himself about it in earnest, both with
the

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the Pope and the Fathers, for if he does not, we shall have our Wounds only skinned over, but shall have the rotten Core left to the corrupting of all quickly again ; for my own part, I cannot see nor perceive any thing that looks like warmth for a Reformation in the Presidents ; On the contrary, they have told us plainly that we must accept of what they will be pleased to give us, without offering to speak a word for any more ; this is enough to let your most Reverend Lordship see, what is most convenient to be done for God's, and His Majesty's Service, and you are to know farther, that the Prelates here are all very much troubled to see, with how ill a Grace, People that say any thing of a Reformation are heard.

The Answer to the King of *France*, and the safe Conduct of the Protestants, are conformable to what His Majesty had ordered, and so shall every thing be to the Commands he shall send. God preserve your Lordship's most Illustrious and Reverend Person, and increase your State.

From *Trent* the
12th of *October*, 1551.

Most Illustrious and

Reverend Lord,

Your Servant,

The Bishop of Oren.

The

*The Bishop of Oren's Letter of the
28th of November, 1551, to the
Bishop of Arras.*

Most Illustrious and Reverend Lord,

IN your Illustrious Lordship's last Letter to me of the Ninth of *November*, I received a signal Favour, as I shall always do in knowing, that I am capable of serving your Lordship. It was a great Service of His Majesty, the Embassadors acquainted us withall, *viz.* His Majesty's having ordered, that nothing be treated of that shall be to the prejudice of the Prelates, by which means all the Discourse that was here about Benefices, is turned to other matters, which they call a Reformation, as your Lordship will see by the Canons which are sent by the Embassadors, of which we accepted; because as your Illustrious Lordship had wisely advised, it is necessary we should tread warily, and at present accept of what they will give us. But the mischief is, that they are sensible of this our patience, and so do discover little or no inclination for to do any thing, that deserves the Name of a true Reformation; notwithstanding, as your Lordship well observes, several things might be done, that would be of great advantage to the People, and would be no prejudice to His Holiness, or to his Court: May God remedy things, under whom, unless His Majesty and your Illustrious Lordship do labour very hard, there will be no remedy left for the Church.

I have presumed to advise your Illustrious Lordship, of what at present occurs, upon your having
given

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given me leave to do it ; and because I am willing to prevent disturbances in this holy *Junto*, so long as they will do any thing for the good of the Church: For, though, I do hope there will be no such disturbance ; it is requisite, nevertheless, that His Majesty and your Illustrious Lordship, should be acquainted with every thing, great and small, that happens here, that you may be the better able to judge, whether, what shall be done, shall be agreeable to His Majesty's Service; for which I remit you to the Memorial I have sent.

I need not acquaint your Illustrious Lordship, with the great Obligations I am under, to be a most humble Servant to the King of *Bohemia*, and how I am engaged beyond all others, to wait upon him to kiss his Hand; and so having after the Session was over, obtained leave of the Legate, and the Embassadors for six or seven Days, I do intend to go as far as *Mantua*, with the most Eminent Cardinal of *Trent*, and, though we shall not spend many Days in going and coming, I thought fit to give your Lordship an account thereof, to let you know that I shall not be absent above seven or eight Days, during which time, nothing will be treated of here. May our Lord preserve your Illustrious Lordship's Person, and increase your State.

From *Trent* the
28th of No-
vember, 1551.

There is here a *Catalan* Bishop for the Bishop of *Giron*, who is called Bishop *Jubin*, he is a very good Scholar, but very poor; your Illustrious Lordship may inform your self concerning him,
by

by some that know him : I am of opinion, a Benefice in *Catalonia* would be well bestowed upon him. I have presumed to recommend him to your Illustrious Lordship, knowing him to be a good Scholar. I do likewise request your Illustrious Lordship to remember the Bishop of *Vesca*, when *Tortosa* shall be disposed of, he has been here a considerable time, and is Son to a Servant of His Majesty's, and deserves all that can be given him.

Most Illustrious Lord, I do kiss your

Most Reverend Hands.

Your Servant,

The Bishop of Oren.

A Memorial of the Bishop of Oren.

WHat the Bishop of *Oren* saith is, That whereas His Majesty has ordered, that in the Affair of the Provision of Benefices, nothing should be done to the prejudice of the Prelates, and has likewise sent hither several Heads relating to a Reformation, in order to have them decreed ; that, notwithstanding, among the said Heads there are some particulars, that are not very reasonable, nevertheless they are such as are not of the substance of the Reformation of the Church.

There

There was one Chapter the Legate was for having enacted by the Synod, which was that, that ordered that no Bishoprick nor other Benefice, should be given in *Commendam* to any Person not of full Age, which though in it self a very just thing; many of the Fathers were against having decreed, because it would seem to approve of Cardinals, Laicks, and others, provided they were of full Age, holding of Benefices in *Commendam*: For which reason most of us were of opinion, That, that Head ought not to be passed into a Decree, lest under a colour of condemning *Commendams* we should establish them. There was a certain Bishop, styled the Bishop of *Verdun*, who is a Suffragan of *Triers*, who speaking of the Reformation said, that this Chapter did not appear to him to be convenient, calling it farther a pretended Reformation; for which words of a pretended Reformation, the Legate fell foul upon him the other day, mortifying him with hard and severe words, before all the Fathers, telling him among other things, that he did not understand what he said: The Bishop was silent, but having offered the other day to speak, and to have said something in his own justification, the Legate commanded him to hold his Tongue, and not to speak to any thing, but what he should command him to speak to: The Bishop made answer, that at this rate there was nothing of liberty, and that having obtained leave of His Majesty, by whom he was sent hither, he would be gone; the Legate told him he should not go, but should do what they commanded him: This passed at a Congregation, at which all the Embassadors were present.

The Archbishops of *Cologne* and *Mentz* talked much to one another about it, and he of *Cologne* turning about to the Bishop of *Oren*, who sat near him

A Memorial of the Bishop of Oren. 193

him, said, my Lord Bishop tell me the truth, Do you think there is any thing of liberty in this Council? The Bishop of *Oren* made answer, Your Lordship asks me a dangerous question, and which I cannot presently answer, only, that a Council ought to be free. Whereupon he of *Cologne* replied, My question to you is, whether this Council appears to you to be free? To which he of *Oren* answered, I do beg your Lordship not to press me any farther on that point, in this place, promising to let him have my thoughts of it at his own House. After which the Electours began to speak to one another again, and as I do suppose about the same Affair.

The other day the Archbishop of *Cologne* resumed the Discourse thereof again at his own House, expressing great dissatisfaction at the Councils injoying so little liberty, and at there being no remembrance almost of a Reformation, and at the small account was made here of the learned Men, and Divines, who have no hand in the Canons, but by delivering their opinions in publick concerning Heresies; whereas, that the chief Divines should be called, and advised with about the framing of the Canons, is a thing that we do all desire. So that it is to be feared, that if in the next Session, they are not more in earnest about a Reformation, than hitherto they have been, that either the Electours or some others, who do not reckon it to be convenient to suffer things to go on thus, will raise a disturbance; every body being displeased at nothing being done towards the Reformation of the Church, no not in such things as might be reformed without doing any prejudice to his Holiness, and but very little to his Court, and which would be of great advantage to the People; to the great reproach of all us Bishops, from whom the World expects Canons of

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Refor-

194 *A Memorial of the Bishop of Oren.*

Reformation, though in truth, we can give them nothing but what the Legate pleases.

I thought fit to advise hereof, being apprehensive of what may happen, if at the next Session they do not treat about more substantial matters: For tho' I do not doubt but that the Electours, and others, will do whatsoever His Majesty shall order, it is convenient nevertheless, that His Majesty should be advised of such things, as may hereafter be of very ill consequence; and whereas the Legate, when he shall come to see how much respect is paid to His Majesty's Order, may suffer nothing to be spoke to, but as he shall think fit, he having on all such occasions threatned to be gone, and throw all up; it is therefore necessary for the preventing of a disturbance, that his Holiness should be urged with great warmth to send something to us, that will be of some advantage to the People, it being a burning shame to throw the blame of all this upon the Bishops; who tho' they may not truly be in the fault, will be reckoned to be so, and it will be but just in the People, if we do not treat about their interest, more in earnest, than we have done hitherto, for to stone us when we return home.

It is agreed, that the Affair *Sub utraque specie*, shall be handled with that of Order, and the Sacrifice of the Mass in the next Session, and since the *Lutherans*, whom we expected are not as yet come; it would be convenient, That that of *Sub utraque specie*, should be adjourned to the last Session: His Majesty may command whatsoever he judges to be most expedient This serving only to advise of things, to the best of my understanding, as a faithful Servant.

The

The Bishop of Oren's Letters, &c. 195

*The Bishop of Oren's Letter of the
24th of January, 1552, to the
Bishop of Arras.*

Most Illustrious and Reverend Lord,

WHat we durst not, it seems, offer relating to a Reformation, has been delivered at large in a publick Congregation, by the Embassadors of *Maurice* and *Wittemburg*, who among a few bad things, delivered so many that were good, that it was well the People did not hear them: by whom several Heads of Reformation having been proposed, we the Bishops do desire to have leave to answer them Chapter by Chapter, reckoning we may thereby be able to do service. I do acquaint your Illustrious Lordship with this, because I hear the Legate and others, are for having us answer all that relates to a Reformation, only in general, that we may not be able to do any thing but what they shall judge convenient; but as the returning of such a general Answer will signifie little or nothing, so could we but be suffered to answer every Head particularly, we might then do something to the purpose, and which we cannot do otherwise, because we shall never have any such matters proposed to us to speak to again. Your Illustrious Lordship will easily discern this to be a matter of great moment, for were we but permitted to answer particularly to every Head, we should not despair of doing God good service thereby: We have not been able, notwithstanding most of the other matters were suspended, to obtain any Canons of Reformation from the Legate in this Session, God grant he may not

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put us off at the next Session likewise; wherein he will treat concerning Matrimony, with those that were passed formerly, he should now have passed; whereas since he goes on so briskly with other matters, it is but just that those of a Reformation should keep pace with them; but I must tell your Lordship again, that all would be remedied were we but suffered to answer the Protestants, Chapter by Chapter. I shall not inlarge, remitting your Illustrious Lordship to what the Embassadors writ the Morning after the Session. May our Lord preserve your most Reverend Lordship's most Illustrious Person, and increase your State.

From Trent the
24th of Janu-
ary, 1552.

*Most Illustrious Lord, I kiss your
Most Reverend Lordship's Hands,
Your Servant,*

The Bishop of Oren.

As to the Affair of the Son of the Marquis of Brandenburg, should we advise his Holiness to dispense with him, we shall thereby furnish him with weapons against our self, for that after having counselled him to dispense in so weighty a case, to the revocation of a Decree of this Council; we must with a very ill Grace complain of him afterwards, if he should revoke smaller matters: let his Holiness therefore do it himself without ingaging us in it.

*The Archbishop of Sazer's Letter of the
2d of December, 1551, to the
Bishop of Arras.*

Most Illustrious and Reverend Lord,

I Have received your Lordships of the Ninth of the last Month, and have likewise seen that your Lordship writ to *Don Francisco*; and I am told by the Senior Fiscal, how inclinable your Lordship is to do me a kindness, for all which I kiss your Lordship's Hands a thousand times, esteeming your Lordship's concern for me to that Degree, that it is sufficient to animate me, and to make me insensible of all the Troubles I undergo, which is an effect it will always have upon me. What I do here is little to what I desire to do, which desire is the thing that is esteemed by these Gentlemen; for, in truth, Affairs here are so intangled, and perplexed with difficulties, that though I have taken much pains, I have just done nothing: Nevertheless I go on serving His Majesty with a good Will, being sensible that he aims at nothing but God's Service. I shall inlarge no farther, there being others that do not fail to give your Lordship an account of things, neither will I supplicate your Lordship, particularly as to my own concerns, being sensible how forward your Lordship is to do me any kindness, which I beseech your Lordship to do me at this time with His Majesty, that so he may not forget me on this occasion, though there were no other reason for it, but only to satisfie the World, who have entertained an opinion, that His Majesty designs to do great things for me. Our Lord

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preserve and prosper your Lordship's most Illu-
strious and Reverend Person and State for many
Years.

From Trent the
2d of Decem-
ber, 1551.

I kiss your Lordship's Hands,
Your Servant,

The Archbishop of Sazer.

The Bishop of Astorga's Letter of the
26th of November, 1551, to the
Bishop of Arras.

Most Illustrious and Reverend Lord,

KNowing your Lordship receives advice daily
of all that passeth here, I have not sent it to
you, but being ambitious of beginning to serve
your Lordship in something according to my
duty; not to be tedious, the Session was held yester-
day, being the twenty Fifth; wherein several De-
crees were passed against the Errours sprung up in
our days, relating to the Sacraments of Penance,
and Extreame Unction. So that considering the short-
ness of the time, and the variety of matters which
have been handled, I think they have laboured
hard, and I do suppose your Lordship has the same
thoughts of them. Certain decrees relating to a
Reformation have likewise been pronounced, on
which Subject they have not done so much as was
convenient for the Reformation of the Catholick
Church, and for the removing of the Offences
which

which gave occasion to Peoples falling into Errors: We for our parts, did all they would give us leave to do, though not so much as was necessary, or as we desired to have done, to my great trouble; I do therefore beseech your Lordship, to let His Majesty know how little Decrees against Heresies will signifie, if the great Abuses which were the occasion of them be not redressed. This is a thing His Majesty ought to go about with that zeal and warmth, wherewith it was handled in a Congregation of this Council; and the rather, because as the hopes we have given us, that His Majesty will take care of such things are a great comfort to us, so they have kept us from making that opposition that was necessary for People who are to give an account to God of what they shall do here; I do not write to His Majesty concerning this, because I do not care to be troublesome, and do reckon it to be the same thing to acquaint your Lordship therewith. I do beg it of your Lordship that you would make use of my service, since there is nothing I am so ambitious of, as of serving you in all things, whose most Illustrious and Reverend Person may our Lord preserve, and increase your State for his own holy Service, and the good of the Church.

From Trent the
26th of November, 1551.

D. V. S.

Your most assured Servant.

The Bishop of Astorga.

*The Bishop of Pamplona's Letter of the
29th of January, 1552, to the
Bishop of Arras.*

Most Illustrious and Reverend Lord,

After having writ the Letter that goes with this, as they do both with the Senior Fiscal, who I am certain will deliver them: My being sensible how much you delight in being kind to your Servants has encouraged me, to beg some farther Favours of you.

The case, most Reverend Lord, is, in *Spain* they demand the Subsidy, which the Pope granted to His Majesty on the fruits of the Churches, for the Year 1549 only; which ought accordingly to have been raised out of those fruits. Now, most Reverend Lord, in the Year 1549, I neither was a Bishop, nor dreamt of being one, it being the 27th of *June* 1550, on which day my Church was proposed at *Rome*, before I was a Bishop. Now it appears to me to be a very hard thing, that they should make me pay for that, that I never enjoyed, and that he that received it, who, was *Don Antonio de Fonseca*, my Predecessour, should be excused; and especially considering, that he has still more from the Bishoprick than I have; to this they answer, that I must pay the Subsidy, and afterwards come upon him for it. Now what reason can there be, for my paying what I do not owe, and if I do pay it, whereon shall I have to live? It would certainly be much more just, considering how the Bishoprick is loaded, and my great Poverty, to exempt me from that Subsidy; there not being a Bishop in *Spain*,
that

that has so many reasons for to be exempted as I have ; I must therefore supplicate your Lordship to favour your Servants as you use to do, when there is so much cause for it.

Another thing, is, His Majesty was pleased to let me keep the Pension of *Carthagen*a; but in consideration thereof commanded me to pay 400 Ducats to one *Espinola* of *Genoua* ; and whereas I paid the said Ducats in broad Money, the Bishop of *Carthagen*a will not pay me, but in Ducats *de Camara* according to their antient Value ; notwithstanding by an Order that I saw, His Majesty commanded him to pay *Don Sancho de Castilla*, His Majesty's Chaplain, in broad Money ; and I am told by Dr. *Malvenda*, likewise, that he is commanded by His Majesty to pay all that he is in Arrear, since he had that Bishoprick, in large Ducats ; I must therefore intreat your Lordship to procure such an Order for me, which I shall esteem as a signal Favour. May our Lord prosper your Lordship's most Illustrious and Reverend Person, for many Years, and increase your State, as your Servants desire.

From Trent the
29th of Janu-
ary, 1552.

Most Illustrious Lord, I kiss your

Most Reverend Lordships Hands.

Your Servant,

The Bishop of Pamplona.

The

*The Bishop of Pamplona's Letter of the
29th of January, 1552, to the
Bishop of Arras.*

Most Illustrious and Reverend Lord,

After having writ the Letter that goes with this, as they do both with the Senior Fiscal, who I am certain will deliver them: My being sensible how much you delight in being kind to your Servants has encouraged me, to beg some farther Favours of you.

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that

that has so many reasons for to be exempted as I have ; I must therefore supplicate your Lordship to favour your Servants as you use to do, when there is so much cause for it.

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From Trent the
29th of Janu-
ary, 1552.

Most Illustrious Lord, I kiss your

Most Reverend Lordships Hands.

Your Servant,

The Bishop of Pamplona.

The

*The Bishop of Pamplona's Letter of the
20th of February, 1552, to the
Bishop of Arras.*

Most Illustrious and Reverend Lord,

I Have by divers Letters acquainted your Illustrious Lordship with what has passed concerning a Dignity, called the Hospitalery in the Church of *Pamplona*, which became void by the Death of the Licentiate *Don Martin de Aguierre*, a professed Canon of the Order of *St. Austin*; to which Dignity in conformity to the Statutes, and Rights of the said Church, I did by my Vicar on the 7th of *December* last, collate *Don Martin de Sant Ander*, a Man of a good Life, and Learning, and withall a Preacher. I have likewise informed your Illustrious Lordship, how great a prejudice it will be, not only, to the said Church, but to the City, and whole Kingdom, if that Dignity should be given to any one that is not a Canon, the deceased having founded a College for fourteen poor Students, who are to have their Lodging, Diet, and Teaching *gratis*, which was a very necessary Work, there not being a Study in the whole Kingdom: The Foundation of the Colledge was laid before I left *Pamplona*, so that there wanted nothing but his Holiness, and Majesty's consent to it: Now the greatest part of this Endowment, being raised out of the Revenues of the said Dignity, should any one that is not a Canon be preferred to it, the College will come to nothing; Whereas, if a Canon has it, it will hold. Furthermore, all the Dignities of *Pamplona*, being regular, should this be given to one that is no Canon,

he

he will receive the profits, without doing the Church any service; since, without being a Canon he cannot go into the Quire, and so will be as a Woolf in eating the profits without serving God.

Now having received information that the said Dignity is exposed to Sale at *Rome*, to see who will give most for it (a very honourable Reformation for the Council we are in) I could not both for His Majesty's Service, and the discharge of my own Conscience, forbear acquainting His Majesty therewith, supplicating him to defend his own Patronage, and not to suffer the said Church, City, and Kingdom, to have such a wrong done them, on which occasion, and to kiss your Illustrious Lordship's Hands, I have sent this by a Servant, and with it a Memorial to His Majesty, in which I give him a full Account of the case; wherefore, I must beseech your Lordship, notwithstanding the Bishop may not deserve it, to let the said Holy Church, and Kingdom, for to have your favour, and that you would not deny it to them, that so they may never forget your Illustrious Lordship in their Sacrifices and Prayers, as their Benefactour, which, as your Lordship's Servant, and Prelate of the said Church, I do promise you they shall not. But besides the Conclavist, whom I mention in the Memorial, I hear that Senior *Balduino Monte*, his Holiness's Brother, pretends to give that Dignity to I do not know whom. Your Illustrious Lordship would do me a great favour, if you would be pleased to write to him, that the Church of *Pamplona*, and the Ordinary thereof may not be wronged, which kindness would be very much inhanfed, if His Majesty would write likewise to the said *Baldwin* about it, and would charge his Embassadour,

Don

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Don Diego de Mendoza, to look after it. I beseech your Lordship to have compassion on the Bishop, who is your Lordship's, and that holy Church, City, and Kingdom's Creature.

I had writ thus far when your Lordship's Letter of the 17th instant came to my Hand, by the way of *Dr. Malvenda*, with which I received a signal Favour, and which is greater than I am able to express, in understanding thereby how well disposed your most Reverend Lordship is to do me any kindness; May God give me strength to be able to serve your Lordship, as much as I am bound; and am willing to serve you. As to the Letters to which your Lordship has received no Answer, to that which was of greatest importance, I returned an Answer by the way of *Dr. Malvenda*, and to the first by the Bishop of *Oviedo*, and it goes to my very Soul, that your Lordship did not receive them.

As to the Dignity, having as your Lordship will see, writ concerning it, before I received your Lordship's Letter, I have nothing to add, but only to supplicate your Lordship again, to do me the Favour therein that I have desired.

And as to the Subsidy, the best way that I can think of for the payment of it, is to make me Captain of the Band of one and twenty Pensioners, with the seven thousand Ducats I am owing to them, and with my great Poverty, and the other Debts I have upon me; and if this will not do, for the payment of what I do not enjoy, I believe a Letter from your Lordship, to the Bishop of *Lugo*, might go a great way towards it, to whom your most Reverend Lordship may be pleased to write, that since my Predecessour *Don Antonio de Fonseca*, received all the Fruits of those Years, and who at this time receives more Rent out of the Bishoprick than I do,
that

that it is but just that he that owes it, and not he who does not, should pay it: As to what your Lordship writes concerning the Shedule of *Cartagena*, I do kiss your Lordship's Hands for that Favour, and do beg it of your Lordship, that you would command it to be done, wherein your Lordship will do me both a favour and justice, and that without doing any injury to the Bishop: I do likewise kiss your most Reverend Hands, for the Kindness you promise to do me with the Legate, and with some other Persons; and I do beseech your most Reverend Lordship, when you write to the Legate, to mention the Church of *Pamplona* to him, and that it may not be wronged: I am much pleased with the last Article, in your most Reverend Lordship's Letter. I pray God the dispatch the Fiscal is to bring, may be for his Service, and that of His Majesty, and the quiet of *Germany*. May our Lord prosper your Lordship's most Illustrious and Reverend Person, and increase your State.

From *Trent* the
20th of *February*,
1552.

I kiss your most Reverend
Lordship's Hands.

Your Servant,

The Bishop of Pamplona.

Here follows half a dozen Lines writ with the Bishop's own Hand, which I was not able to read.

The

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Don Diego de Mendoza, to look after it. I beseech your Lordship to have compassion on the Bishop, who is your Lordship's, and that holy Church, City, and Kingdom's Creature.

I had writ thus far when your Lordship's Letter of the 17th instant came to my Hand, by the way of *Dr. Malvenda*, with which I received a signal Favour, and which is greater than I am able to express, in understanding thereby how well disposed your most Reverend Lordship is to do me any kindness; May God give me strength to be able to serve your Lordship, as much as I am bound; and am willing to serve you. As to the Letters to which your Lordship has received no Answer, to that which was of greatest importance, I returned an Answer by the way of *Dr. Malvenda*, and to the first by the Bishop of *Oviedo*, and it goes to my very Soul, that your Lordship did not receive them.

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From *Trent* the
20th of *Febru-*
ary, 1552.

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Lordship's Hands.*

Your Servant,

The Bishop of Pamplona.

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The

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*The Bishop of Pamplona's Letter of the
27th of February, 1552, to the
Bishop of Arras.*

Most Illustrious and Reverend Lord,

BY the letter I sent to your most Reverend Lordship, by my Servant, I acquainted you with the wrong they are about to do the Bishop of *Pamplona*, and to whom a greater cannot be done, and not to him only, but to that Church, and Kingdom, on an account of the College; but being sensible how forward your Lordship is to do favours, I cannot forbear begging of you; *Nam ut placet Chrysostomo, petentis negligentia reprehenditur, ubi de dantis misericordia non dubitatur*: For which reason I do return to supplicate your most Reverend Lordship for to stand our friend; and since delays in such cases are very dangerous, I who am your Lordship's Creature, would esteem it a great Kindness if you would be pleased to write to the Legate about this Affair, and to let him know how unreasonable a thing it is, in the time of a Council, instead of a Reformation, to help us to a Deformation, and especially, when the Bishop of the place is serving God, and His Majesty at it, and at a greater expence than he is able to bear; it will be necessary likewise, that your Lordship should, with His Majesty's Letters, write one your self to the Embassadour *Don Diego de Mendoza*, which if it is not dispatched quickly will, I fear, come too late.

And that your most Reverend Lordship may have a perfect knowledge of the wrong, that will
be

be done thereby to the Bishop, the Church, and the whole Kingdom; your Lordship is to understand, that in former times, when *Navarre* was under petty Kings, who had scarce Bread to put in their Mouths, the Popes never offered to dispose of any Preferment therein, and especially in the Cathedral Church, in all which times there is no President of their having done any such thing; and shall we now, when under so powerfull a King, and who is so well able to defend his Kingdoms, endure to have such things imposed upon us, as those petty Kings would never have suffered? Now were there nothing else but this, I think, it is enough to engage your Lordship to defend me, and that Kingdom.

I forgot to tell your Lordship in my former, that the *French* Licentiate is my Enemy, though I do not know for what, unless it be for his being a friend to *Verio*, who is one of the Council, and besides Archdeacon, and Canon of the Church: This *Verio* having forgot that it is his Office to do justice, and hinder all Violences, abuseth the Royal Authority, in doing them himself, and in having turned a Procuratour for all desperate Causes; with whom, being armed with the Royal Authority, no body dares contend. I beseech your Lordship to write to the said *French* Licentiate, to favour my Causes so far as they are just, and not to do the contrary, who being a Creature of your Lordships, as I am likewise, ought for that reason to do me justice. I must intreat your most Reverend Lordship not to be offended with my Letters since I have no other Patron to succour me in my Necessities.

The Fiscal *Vargas* has since he arrived here, been so taken up with business, that he has scarce suffered
any

206 *The Bishop of Pamplona's Letters*

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27th of February, 1552, to the
Bishop of Arras.*

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The Fiscal *Vargas* has since he arrived here, been so taken up with business, that he has scarce suffered
any

any body to ſee him : But being yeſterday at the Sermon which was preached by the Archbiſhop of *Granada* ; he told me by the bye, and in general, upon my asking him what reſolution he had brought, that His Majeſty was againſt any change, or having the Council prorogued ; nevertheleſs, we do no more ſince his Arrival than we did before, but do ſtill continue here idle. May our Lord proſper your Lordſhip's moſt Illuſtrious and Reverend Perſon, and increaſe your State.

From *Trent* the
26th of *Febru-*
ary, 1552.

Moſt Illuſtrious Lord, I kiſs your
Moſt Reverend Lordſhip's Hands.
Your Servant,

The Biſhop of Pamplona.

*Mr. Lanſſac the French Embaſſadour at
the Council of Trent's Letter to the
Queen Mother of France.*

Madam,

FOR to tell you the truth, I have not met here with the Execution of the good inclinations, the Pope the laſt time I ſaw him aſſured me of, who told me, he would leave the handling, and determining of all things intirely to the Diſpoſition of the Council, without interpoſing therein himſelf, to which I found all quite contrary : Nothing being handled or propoſed here, but at the pleaſure of
of

of the Legates, and who do nothing but what they are commanded to do from *Rome*; and who, when they have propoſed any thing, of the ſixty Biſhops that are here, thirty being *Spaniards*, and the reſt *Italians*, our ſmall handfull, who in my judgment are Men of great knowledge and zeal, and well affected to a thorow Reformation, if they offer any thing that the Legates do not like, are interrupted, and their opinions not followed, every thing being carried by a Majority, which the *Spaniards* and *Italians* are, and that a great one, moſt of which are either the Pope's Penſionaries, or intereſted in ſome Office in the Court of *Rome*; and who do for that reaſon knock all the good intentions of the reſt on the head; being reſolved never to yield to a Reformation, ſo that I have no hopes of ſeeing this Council produce the Fruits that I deſire, unleſs you ſhould be pleaſed to ſend hither a conſiderable Number of our Prelates; and unleſs the Embaſſadours of the Emperour, and King of *Spain*, and the other Princes do ſpeak a little more briskly than they have done hitherto.

From Trent the
7th of June,
1562.

Your moſt humble Subject, and

Moſt obedient, and

Moſt obliged Servant.

Lanſſac.

P

A Paſ.

*A Paſſage in a Letter of Mr. Lanſſac,
bearing date the 19th of July, 1562,
to the French King.*

WE have deferr'd the propoſing of the Articles of Reformation; we that are here being ſenſible, that they will never grant any thing, that is prejudicial to the Profit or Authority of the Court of *Rome*; beſides, the Pope is ſo far Maſter of the Council, by having the Major Vote at his Devotion, thorough his Penſionaries; that let the Emperour's Embaſſadours, and we, remonſtrate never ſo much, they will do nothing but what they pleaſe, as Your Maſteſty will underſtand by the Canons we ſend you, as well of Doctrine as Reformation, which were publiſhed in the laſt Seſſion, being the 16th preſent.

Dr. Xaincte's Letter to Dr. d' Eſpence.

Mr.

YOU were never ſo inſpired, as you were in not coming to this place, where I am apt to think, the baſe Courſes that are taken here, to obſtruct a Reformation, might have killed you. The *French* do carry themſelves more ſincerely and virtuously than the reſt, who do for that reaſon laugh at them when they ſee them in trouble. When we arrived here, they were handling the Sacrament of Order, on which occaſion the *Spaniards* preſſed hard

hard to have had it declared, that Bishops were instituted by Christ, and were by Divine Right superiour to Presbyters, in which the *French* joyned with them: But the *Italians*, in order to hinder the Establishment of that Doctrine, crowded no fewer than twelve Titles for the Pope into one single Canon, by which they pretend that he is the only Bishop instituted immediately by Christ, and that all other Bishops have no Authority but what they derive from him; there is not one here that does not wish himself in the *Sorbon*, though it were with hazard of his Life. It is not possible for me, to relate minutely to you all the Acts that I have seen, and have been informed of in this Council.

From *Trent* the
15th of June,
1563.

Justinianus a Noble *Venetian*, in the fifteenth Book of his *Venetian History*. speaking of this last Session, of the *Trent Council*, saith: *Religionis causa in Tridentino Concilio parum prosperos successus habebat, ob dissentientes animos, cæcamque Prælatorum ambitionem; solus autem Cardinalis Lotharingus vir pietatis studio, & dicendi arte clarus, quæ ad Dei honorem, & veram Ecclesiæ reformationem essent, suadebat: cui plerique ex Concilii patribus, humanarum potius rerum quam divinarum curam habentes, refragabantur, variisque opinionibus sancta Synodo dissidente nil quod rectum, sanctum, piumque foret, discerni potuit: omniaque confusione & cæcitate, plena erant, tantaque prælatos ambitio cæperat, ut nulla apud eos fidei Religionisque pro vera Ecclesiæ reformatione, ratio haberetur.*

The following Letters though they have no Name to them, being Copies, and some of them no Date, are plainly the Bishop of *Arras's*, in answer to some of the foregoing Letters.

*A Copy of a Letter of the Bishop of Arras
to Dr. Vargas.*

Magnificent Sir,

I Have perused your Letters of the 19th, and 20th Instant, and that of the 25th also, with which I received a Copy of the Doctrines, and of the safe Conduct, and the Act of the Protestation made in the Congregation; you always reason so prudently, as to give us great light in what we are to do here, wherein you do me a singular Favour; for which, as I have writ formerly, I shall not fail to have a just consideration: It is convenient, that what you write hither, should be so managed, that it may not give offence to any; it being a thing of great importance to His Majesty's Service, that there should be a good correspondence and intire agreement among his Ministers at *Trent*. We are waiting to see what the Embassadors will write concerning the said Session, and till that is known, I have nothing to add, but that I am always ready to be employed by you, and to do whatsoever is convenient for such as you shall recommend for their labours in the Council; who shall be acquainted with the good Accounts you give of them. Our Lord preserve you.

Inspurg.

A Copy

*A Copy of a Letter of the Bishop of Arras
to Dr. Vargas.*

Magnificent Sir,

I Am informed by *Don Francisco's* Letters, of the good Offices you do in all things, relating both to publick and private Affairs: The bearer hereof, who is of the Emperour's Council, and was his last Embassadour in *France*, goes to *Trent*, on no other Errand, as you will understand by him, but only to speak to the Electours: I shall not inlarge at present, in answering your Letters, since no body can tell, as yet, what will be done in that matter, to which you desire to have an Answer; and it is possible it may take another way: I shall hereafter advise you particularly how it will be, and will return Answers to all the points in the said Letters, this dispatch being in such haste as not to allow me time to do it. Our Lord preserve you.

Inspurg.

*A Copy of a Letter of the Bishop of Arras
to Dr. Vargas.*

Magnificent Sir,

YOU reckon, His Majesty's having been satisfied with what you offered, is a full Answer to all the Letters you have writ to me; which, as you observe, have been many and large: You will understand by the dispatch, this goes by, all that is here; I shall not therefore inlarge, neither

in truth can I do it, though I were willing, being at this time so besieged by business, that I have not one moment of leisure, and so can only kiss your Hands, for your great Care and Vigilancy, and the Trouble you give your self in writing to me particularly, concerning all that occurs, which is always done by you with a Zeal conformable to your great Prudence and Learning; for which you may rest satisfied, I have a just Esteem, neither am I wanting in representing it, as I ought to do, to His Majesty, in order, to acquaint him, with those who are most serviceable to him, that so he may take care to prefer them: I do heartily wish, he may on this or some other occasion remember you as he ought; I pray God the success may answer my wishes, which if it do, I am certain you will be contented. Our Lord preserve you.

*Inspurg the 19th
of January.*

*A Copy of the Bishop of Arras's Letter
of the 9th of November, 1551, to
Dr. Vargas.*

Most Magnificent Sir,

I Do all I can, that you may have quick Answers to your Letters, but by reason of His Majesty's having so much business on his Hands, as he has at present, you have them not many times so soon as I do wish you had; and though at this time, the badness of the ways, and our being so much employed

ployed in raising an Army, might excuse our not doing of it, nevertheless the Answers to the Embassadors, do want only to be seen by His Majesty; and I will do all that I am able, that they may be dispatched in a few days.

What you write of the Legate, and Presidents precipitating of things, is very true, who do huddle things strangely, that are of the highest importance to the Church of God, of which the Legate gave a clear proof, in having contended so much, against having the Communion *Sub utraque* deferred, and in having determined many things in the Session, which ought to have been adjourned untill the Arrival of the Protestants, who are now on their way: But the mischief of all is, that they do all those things for purposes, that are flatly contrary to the purposes they ought to have; precipitating the Divines so, that they have not time for arguing of matters as they ought to do.

His Majesty has writ to his Embassadors to have all these things remedied, if it is possible: The Legate may reckon as he pleaseth, but I am of opinion, that for all the haste he makes, he will be obliged to prolong his Term of *July*, and that for some Months. There goes likewise a particular Answer to *Don Francisco*, in relation to a Reformation.

The Memorial you speak of, I have not as yet been able to find, I imagined *Velasco* had had it: We must therefore leave it to you, to answer it as well as you can in general, for want of a particular information thereof.

It is a lamentable thing to be so sensible of Mischiefs, as to see them plainly, and yet not be able to remedy them in the Circumstances we are in; My only consolation is, the consideration of my ha-

ving done all that I was able, and of all things being in the Hand of God: Who many times, when People do in humane Prudence despair of things, puts his Hand to them, and brings them about: Now my being of opinion, that we are at this time, in such an Extremity, is what raiseth such hopes in me.

Some of the Protestants are now on their way, and some, as you write, are come already; nevertheless, by their secret workings in their own Countries, I do see plainly, that this is all a piece of Roguery lodged in the Hearts of their Doctours. I do all the Offices, I can think of, with the Bishop of *Imola* his Holiness's *Nuncio*, and that, in order to bring the Pope to yield to some things that are necessary; I do likewise sollicite the Legate that is here, who being an honest Man, cannot forbear acknowledging, that the Affairs of the Council ought to be taken otherwise at *Rome*, than they are: Where, if they would, they might consent to the doing of a great many things, that would be of advantage, and particularly to their own Authority, and that without doing any body a prejudice.

There is not a Soul that knows any thing of the Letter you writ to me privately, nor of your having sent me the Papers, which our Embassadours were so slow in sending: I had heard of what had passed from a thousand particular Persons, before their Letters arrived: I shall take care, that the good Offices you do me, shall be no prejudice to you, and am glad that we are so near one another, that we may almost shake Hands.

As to your own particular Affairs, I have always done, and will always do you all the good Offices that are in my power; I pray God they may succeed according to the good Will they are done with-
all:

Arras's Letters to Dr. Vargas, &c. 217

all: I was glad to hear from you, of *Dr. Malvenda's* having acquitted himself so well; and as to the Doctours of *Lovain*, I know they will give a good account of themselves, and you will find them to be both excellent and modest Men. I have writ to the Archbishop of *Sazer*, to make him sensible of the good Office you have done him: God knows how desirous I am that all worthy Men, that do service, should be considered for it; and of my disinterested intentions in such cases, I have *Dr. Malvenda* for a witness, so that you may rest satisfied, that so often as there is occasion, I shall not fail to put His Majesty in mind of the concerns of that Archbishop: I have likewise writ *Don Francisco* an account of the Testimony you gave of his diligence and managery. Our Lord preserve you.

From *Inspurg* the
9th of *November*,
1551.

The safe Conduct is come defective enough, being very far from such a one as is necessary, to satisfy the pretensions of the Protestants; I will do all that is possible, to oblige them to consent to it, but if that cannot be done, it must be returned to you again.

A Copy

*A Copy of part of the Bishop of Arras's
Letter of the 5th of March, 1552,
to Dr. Vargas.*

Magnificent Sir,

I Have seen all that the Embassadors have writ to His Majesty, as also what you have writ at large, and with great Wisdom, in your Letters about the same business; what you have offered, is well adapted to the Terms we were on when you were here; but the State of Affairs is much altered since that time, for we have now no hopes of the Protestants going to the Council, who having entered into a Conspiracy, do seek to gain the People to their Devotion, by telling them that the Council goes on, without giving them the hearing, and denies them many things which it might lawfully grant; by which means, things are thrown into such a terrible Confusion, that the Catholicks, as well as the Protestants, are for having the Council suspended; among other things saying openly, that they do not care to be judged by one Nation, and that, though the Council should be continued never so long. it would never make such a Reformation as is necessary, nor will have any other effect, but the lessening of the Authority of Councils; and that in case His Majesty should do his Duty, in urging to have such a Reformation, he will undoubtedly embroil himself thereby with the Pope: But supposing there were no harm in that, so long as His Majesty does nothing but what is his Duty, and convenient for the Service of God: The worst of all is, that no fruit can be expected, from any such

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endeavours, since they will thereupon either translate or dissolve the Council, as they shall think most convenient, to the robbing of Councils of that Authority, which is the only refuge, and remedy, the Church has when disturbed by Controversies about Religion; it being most certain, that the *Germans* on the Terms they are on at present, will not only not receive this Council, but they will pretend that they are released from the Observation of the Interim, which was to last only till the definition of a Council, and will impugn this, and that with too much colour among their own People, who are not rightly informed of the Authority of the Church; for the Council to which the Controversie was remitted, not having adjusted it, there can be no agreement: And as it is certain, that they will insist on their Religion, so His Majesty will die sooner than consent to it. For which, and several other Reasons which have been weighed by His Majesty, he is come to a resolution to write to his Embassadors about it.

As to what you write to me particularly, I have communicated it three several times to His Majesty, who continues fixt, not to do any thing therein, without the advice of his Embassadors, whom he will have to send their opinions to him in writing; which considering, that his Embassadors are Men of Integrity, and will keep whatever is done secret, he takes to be the best Course. This is made still the more difficult, by the present State of things, in which, if the resolution his Majesty has taken has its effect, there will be no necessity of entertaining any thoughts of that other Course.

It

It would do well therefore, that you should propose what you have to offer, as a thing I had writ to you about, or spoke to you of when you were here, and that you should write likewise to His Majesty, desiring that your Letter may be kept secret, and recommending Secrecy as to all things that are done at *Trent*. In fine, now we are on these Terms, you must not fail to employ all your industry and diligence, that what His Majesty is compelled by the iniquity of the times to condescend to, may be done, as much to his advantage as it is possible.

The following part is lost.

*A Copy of a Letter of the Bishop of Arras
to Dr. Vargas.*

Magnificent Sir,

DEsigning to return Answers, to all the Letters I find my self indebted to you for, when His Majesty does the same to his dispatches, I shall not enlarge in this, which I write only on the occasion of Secretary *Erastus* going to *Trent*, to advise you of my being in health, thanks to God for it, and extreamly desirous to have something wherein I may serve you; which whensoever any occasion shall offer, I shall do with an intire good Will. Our Lord preserve you.

A Copy

A Copy of a Letter of the Bishop of Arras of the 16th of February, 1552, in answer to a Letter of Dr. Malvenda of the 27th of January, 1552.

Magnificent Sir,

I Was overjoyed at my coming to know the Fiscal *Vargas* by sight, and discourse; and though I had always reckoned him a very able Minister, yet I do now find him to be a much greater Man than I thought he was. I have been informed by him of all the difficulties you have encountred with, as well in the business of the safe Conduct for the Protestants, as in the Propositions which have been made: The Legate must not certainly have studied the Affairs of *Germany* much, nor the Books that are wrote therein, that he is so much offended at what they have said in the Council: The said Fiscal carries His Majesty's entire resolution as to all Affairs, which he knows very well how to report. He has acquainted me with the pains you have taken, notwithstanding your sickness would not allow you, to do what you would have done otherwise. I was glad to hear him speak so well of the Bishop *Castellamar*, of whom you know I had a good opinion before: That Prelate may rest satisfied, that whenever there is occasion, I shall not forget to represent his Merits to His Majesty; I pray God it may be of advantage to him. Being desirous to do something for the Study of *Barcelona*, I ordered a Memorial to be given in about it some days ago, in conformity of what the Procuratour *Gualby* had writ to me concerning it.

Before

Before we left *Ausburg*, I desired His Majesty to give *Dr. Gregory Lopez* leave to go to a place whither I would gladly have sent him, but could not obtain it, His Majesty alledging, that the Court having no other *Spanish* Physician, but him and *Olivares*, could not possibly spare him; and much less can it be expected now that His Majesty should give way to his going to the Council, since the Queen of *Bohemia* has with great importunity got *Olivares* to go with her.

It is a wonderfull thing to me, that so many *Spanish* Prelates should not have brought a Physician with them; or that being so near to *Italy*, they should not all this while have sent for some Eminent Doctour, who I suppose might have made a good business of it. I do assure you I have done in this all that was possible for me, and I can do no more. Our Lord preserve you.

From *Inspurg* the
16th of *February*,
1552.

A Copy of the Bishop of Arras's Letter of the 9th of November, 1551, in answer to two Letters of Dr. Malvenda's of the 12th of October, and the 8th of November, 1551.

Magnificent Sir,

I Find my self two Letters in your debt, the last of which came to me, since I arrived here; where, if any thing can make me dispense with the

Com-

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Commodities of this place, it will be my being so near *Trent*, that we can almost shake Hands together.

I am infinitely glad, that the Session was celebrated with so much Authority; but the thing that troubles me, is, the resolution they are come to about the ways of proceeding, having left the old known Methods, and which is worst of all there is no remedy for it; for though they know well enough what would be most convenient, they will never yield to it; so that without running a great risk, we shall not be able to procure it: The business of the Communion *Sub utraque*, might very well have been remedied, without having made such a Noise about it, or without our having writ concerning it from hence, for we do not know what to write, untill we have received advice of things from you; and the Legate, if he had pleased, might have remembred, that His Majesty, when the Council sat formerly at *Trent*, writ that the matters that are chiefly controverted, might not be handled till a convenient time, and that his Holiness writ likewise to his Legates, to follow His Majesty's directions as to things of that Nature. For as you know very well, Papers which must be read by His Majesty before they are dispatched, cannot be expedited, as they might be otherwise; and so the Answers to the Embassadour's Letters, though they have been writ some days ago; yet by reason of His Majesty's not having as yet seen them, they cannot go by this occasion; but I shall take care to send them as soon as it is possible.

It would have had much more Authority, if the Fathers had first delivered their Minds concerning matters, and the decrees having been formed thereupon, had been returned to them again to be voted

ted by them, than the taking the second Course, you instance in; but it being now too late to procure that, there is no mention of it in His Majesty's Letters. It would likewise, considering the Necessities of the Times, have been most convenient not to have had the Decrees published till the End of the Council; but the contrary Custom being now introduced, by their having done otherwise in the former Sessions, it will be to no purpose to urge what is proposed by *Cologne*, notwithstanding, it was the Practise of all the Ancient Councils; for we must be content to take things in the State they are in, and make the best we can of them.

I was glad to hear from the Fiscal *Vargas*, of your having signalized your self so much, by the Oration you made: The Divine who would have taken place of the Dean, might very well have excused giving People occasion to talk of him. *Don Francisco* has writ concerning it, and has excepted you by Name: His Majesty nor none else having ever imagined, that such a pretence could have been started by any body; it being most certain that they are all His Majesty's Embassadors, as well those of *Flanders*, as those of *Spain*, being all equally the Servants of the same Master, and sent on the same Errand.

I am not unmindfull of your particular business, having spoke several times, both to *Erastus*, and Secretary *Vargas* about it; so that if you have not had a return, you will have one by the first opportunity; I have told them often, that if those returns were made by the ordinary ways, His Majesty, whose ceremonies, and opinions, you are no stranger to, would be best pleased with them.

I can

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I cannot forbear shewing great respect to Dr. *Velasco*, as well upon his own Account, as upon your Commendation of him. I have received the Book of the Decrees which have been passed in this Council, for which I kiss your Hands; those of the last Session were sent me by *Don Francisco*, of which to speak the truth, I have the same opinion that you have, it being impossible, as they precipitate matters, to have them discussed in so short a time, as they ought to be. If there were any perswading of them, to take the most convenient Courses, there are several Articles ought to be deferred till the Protestants come: We shall see, whether, what His Majesty writes concerning such matters will be able to remedy things a little for the future.

The safe Conduct is very defective to the purposes of bringing the Protestants to *Trent*, and of keeping them there. Our Lord preserve you.

From *Inspurg* the
9th of *November*,
1551.

We know not what to advise in case the *French* should return to the next Session, as I suppose they will, if not hindred by *Varillas's* departure, to whom if they should say any thing, an Answer may be deferred, as it was before, till the next Session; as to an appeal, I do not see any ground they can have for it, since no Decree has been made to provoke them to it, but only an Answer returned to them; but in case they should appeal, *à futuro gravamine*, they may, as I have said, be answered afterwards; this is all the advice we can give from hence, untill we see what they have said, and in what form, this being a matter that will require to be considered thoroughly, as to every word of it.

Q

A Copy

*A Copy of a Letter of the Bishop of Arras
in answer to a Letter of the Bishop of
Oren's of the 20th of January, 1552.*

Most Reverend Lord,

I Have received two Letters from your Lordship, the first whereof is full of Complaints, upon what His Majesty had writ to your Lordship, and the second is a retraction, of the suspicion you had of the Embassadour.

Now as there is nothing that troubles your Lordship, that does not give me pain, so I do assure you, His Majesty's Letter to you gave me a great deal; I do not say this to excuse my self, who being His Majesty's Minister am bound to obey him, and especially when after having endeavoured to satisfie him, he commands me absolutely to do it; after which I did not think fit to make any farther reply, knowing certainly that if I had done it, I should have made the business worse, His Majesty being in so great a passion at that time, that a reply would have served only to have increased his Choler.

The original of all this, was, His Majesty's having been informed, that there were three of the Prelates absent from *Trent* at once, the Bishop of *Segovia* having absented himself without leave, and the Bishop of *Placentia* being gone to *Venice* only for Pastime.

Now His Majesty being zealous in all the concerns of Religion, and being extreamly desirous of reaping some fruit of this Council, which, though it may not be so much as is necessary, yet that it may be as much as can be had; and that on his
part,

part, and theirs who are employed by him, nothing should be wanting that is necessary towards the procuring of a Reformation; he commanded those Letters to be writ, by the dispatch that went to the Embassadour, who I do assure your Lordship, never writ one word concerning that Affair to His Majesty, neither am I able to tell, by what way he was informed of it, there being a great many People, who speak to him of things upon such slight Grounds, that one would wonder they are not ashamed to do it.

Your Lordship's Letter being come to hand, I took care to communicate so much of it as was convenient to His Majesty, saying several things besides, of which your Servant can give you an account.

The Lady *Dona Maria de Lara* had spoke to me about it, as she has likewise very well, as she can do in all things, to His Majesty, neither was Secretary *Vargas* wanting in doing your Lordship good Offices therein, so that His Majesty is now satisfied, who said, the foundation of his anger having been the Prelates going from *Trent*, without his Embassadour's leave, since you were not concerned in that, he had nothing more to say; only, that he will not have you, nor none of the Prelates that are at *Trent* on his account, to absent themselves from so good a Work for one Moment.

It amazeth me that the Embassadour, who is so civil and well bred a Person in all things, should be rude to you and the rest of the Prelates; I can only say, that upon my own account, I cannot allow, a certain carelessness in Behaviour to be reckoned a great fault in Men of business; I my self when my head is full of business, being apt to commit such Errours; and when he chooses to go on foot for

exercise, or some other conveniency, the Bishops if they please may easily rid themselves of such of his Servants, as have the impudence to go where they ought not.

As to business, it is certain your Lordship handles it, with a necessary Zeal, and an earnest desire of doing God and His Majesty Service, for which you cannot have a better Rule, than to follow what the Embassadors shall tell you is His Majesty's Will, who have instructions from hence as to all points: At present I have nothing more to add, only to tell you, that your Lordship hereafter will not have any Cause given you to complain; and that in me you will always find a most affectionate Servant, and whom you may freely command as such. With this I end, beseeching our Lord to preserve your most Reverend Lordship.

From *Inspurg* the
1st of February,
1552.

*A Copy of part of a Letter of the Bishop
of Arras of the 9th of November,
1551, to the Bishop of Oren.*

Most Illustrious and Reverend Lord,

With your Lordship's Letters of the 12th of the last Month, and the 3d instant, I received the customary Favour, of being acquainted with your being in health, of which now we are so near, I hope I shall hear frequently to my great satisfaction. As I am ambitious to serve His Majesty in any thing, so I am chiefly in matters relating
to

to the Council, about which, God is my witness I do all that I am able ; and as I rejoyce extreamly at any thing that is right being done therein, so I am extreamly troubled, when I see things done there on purpose to obstruct the Reformation of God's holy Religion.

I do all I am able to bring them to be favourable to the *Germans*, that, as your Lordship in your great prudence knows very well, being a thing of great moment, and about which I have taken more pains, than can be imagined. So that, notwithstanding, I see things done every day, that do no ways please me, I comfort my self with the thoughts of my having done all that I was able, having been wanting neither for will, nor pains.

We aim all at the same mark, which is to have things remedied as is necessary, to which Work there are great obstacles, of which, though we are very sensible, we are forced for fear of bringing all to ruine, to dissemble our knowledge of them: I have seen your Lordship's Memorial, and *Don Francisco's* also, which he sent to His Majesty upon the informations he had received from the Prelates.

It is not His Majesty's intention, that the Prelates should lose any thing they are in possession of, that is not offensive, or to the prejudice of the Church of God, neither do I believe it is *Don Francisco's* ; but so it is, that there are many things to be wished, and it would be happy if they were granted, which if his Holiness were pressed to do, would make a breach, that would be attended with greater inconveniencies, than any thing that is done ; it is therefore necessary, that all such matters be very tenderly handled, since to speak to have all the Exactions and Abuses of the Court of *Rome* reformed, does certainly knock that and all other business,

on the head at once. We must therefore seek, and that obliquely too, to get some things removed, which give great offence, and are of advantage only to some particular Persons, but are prejudicial to the publick, even of *Rome* it self; for should we do any thing otherwise than thus, that is contrary to the Gusto of the *Romans*, they will immediately upon it, put a stop to all business; I cannot at present enter upon particulars, but shall only tell you, that we have had several Conferences upon what *Don Francisco* has writ concerning those Affairs.

The following part is lost.

*A Copy of a Letter of the Bishop of Arras
to the Bishop of Oren.*

Most Illustrious and Reverend Lord,

Referring my self to the Answer, that is returned by His Majesty to the dispatches from *Trent*, relating to the last Session, I will not inlarge at present, in my Answer to your Lordship's Letter, of the 25th of the last Month, only that I have received your Paper, concerning what passed betwixt the Legate and *Verdun*, and some other matters relating to that contention.

We are not wanting to use all possible diligences, as we have done hitherto, that things may be prosecuted with you, in such ways as are most convenient for the Service of God, and the publick good of *Christendom*. But your Lordship cannot but see, that the iniquity of the times, and the present Posture of Affairs are such, as will not give way to our
doing

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doing of what is convenient, we must therefore be contented, and tread with great Caution, and Circumspection, for fear of breaking all in pieces, which would be yet worse, than what they do: Your Lordship's prudence must needs know this, better than I who am here can tell you: I shall not therefore trouble you with a longer Letter, but do referr you to *Erastus*, the bearer, who is able to give you a particular Account of all that offers here. I cannot omit assuring your Lordship, that in me you have as good a Servant as you can desire, and that I shall esteem your Commands to serve you signal Favours. Our Lord preserve you.

*A Copy of a Letter of the Bishop of Arras
to the Bishop of Pamplona.*

Most Reverend Lord,

I Have received your Lordship's Letters, of the 20th, and 26th of the last Month, and that also you sent to me by your Servant, which is all over very fine, and I kiss your hands a thousand times for it; your Lordship cannot but be sensible that you need not use any Complements with me, but that you may freely employ me on all occasions; there being nothing that can make me more your Servant than I am already.

As to the injury you write they are about to do you, in the matter of Hospitalery of *Pamplona*, I will take care that all possible diligences, shall be used for to remedy it: I have ordered a Letter to be writ in His Majesty's Name to *Don Diego de Men-*

doza his Embassadour at *Rome*, in conformity to what you desired. I do not use to write to Senior *Balduino*, having no acquaintance with him, but to make amends for that, I will write my self to *Don Diego*; who alone having His Majesty's commands for it, can do as much as if we wrote to them all. I have writ to the Legate by this dispatch, as you desired me, and shall write likewise to the *French* Licentiate as you command me, and that after such a manner, as shall oblige him to use all the diligences that are in his power; and if there is any thing either in this or any other Affair, I shall not fail to employ my self therein, with an entire good Will; as to the Subsidy I will write to the Bishop of *Lugo*, as you have desired, and will take care to have the Schedule relating to *Carthagera* dispatched, as you have directed; and in order thereunto have commanded a memorial to be presented some days ago to Secretary *Eraſtus*, to whom if you your self writ concerning it, it would not be amiss. Our Lord preserve your Lordship.

Inspurg.

*A Copy of a Letter of the Bishop of Arras
to the Archbishop of Sazer.*

Most Reverend Lord,

I Have nothing to return in answer to your Lordship's Letter of the 2d instant, but to praise the Offices and Diligences your Lordship useth in the Affairs of this holy Council, as comes certified from all hands: May our Lord reward your Lordship according

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according to your deserts, and put it likewise into His Majesty's heart, to remember those who have laboured hard, and do still continue to labour, as your Lordship does, at so great a Charge, and Incommodities, both to their Persons, and Estates; I do assure you, I am not wanting, in representing all these things to His Majesty, and particularly as to your Lordship's concerns; as I shall not fail to do on this occasion, wishing that His Majesty may shew you as much Favour, as I desire my self. I shall be always, whenever you shall command me, most ready to serve you with an intire Will. Our Lord preserve you.

Inspurg.

*A Copy of a Letter of the Bishop of Arras
to Don Francisco de Toledo.*

Illustrious Lord,

HAVING writ to you the other day, by the Person who is sent by His Majesty to speak to the Electours, in answer to a Letter, I was in your debt, and not having since heard from you, and dispatching this in great haste, with the resolution His Majesty is come to, concerning the Affairs at *Trent*, as you will see by the dispatch; and I have nothing more to say, but to remit my self to that, kissing your Hands a thousand times, and praying to God to protect and increase your Illustrious Person and Family, as I desire.

From *Inspurg* the
6th of *March*,
1552.

A Let-

*A Letter of the Bishop of Oren's of the
20th of January, 1552, to the Bi-
shop of Arras.*

Most Illustrious and Reverend Lord,

BEfore I went to *Mantua*, to kiss the most Se-
rene King, and Queen of *Bohemia's* Hands, I
writ to your most Reverend Lordship for leave to
go, which I desired likewise of the Legate, and the
Embassadour *Don Francisco de Toledo*: To whom I
declared, that unless he would give me leave in His
Majesty's Name, that I would not stir out of the
Gates of *Trent*; who thereupon granted me leave
before several Prelates, and other Persons, commen-
ding me for going to kiss their Highness's hands, to
whom, besides their being His Majesty's Children,
I owed so much Service: So that, had I been going
to serve the King of *France*, I could not have made
more Complements, nor have begg'd leave more
earnestly. I returned to *Trent* again in Eight days,
and having accompanied their Highnesses to *Bolsen*,
was commanded by the King to officiate to him at
Christmas, which I did, and returned to *Trent* a-
gain before New-years-day, to the first Congrega-
tion: Neither was I ever absent from so much as
one Congregation, from the time the Council
made me a Deputy; at which I have several times
assisted Eight hours together to serve God, and His
Majesty; in recompence for all which trouble, and
for having served their Highnesses, I have an angry
Letter sent me by His Majesty, on Account of that
absence, blaming me equally with the rest of the
Prelates, that have been absent: Who ever he was
that

that gave this information to His Majesty; must have had a strong inclination for to have me condemned, having forgot to tell, that he gave me leave, and that I went to serve His Majesty's Children, and that I have never once been absent.

My Lord, I know very well, from whence all this comes, and that it can be from none but the Embassadour, who is jealous of my having advised His Majesty of what has been done here about Benefices, and some other things; notwithstanding, I never wrote any thing to his prejudice, neither indeed could I do it. I am nevertheless sensible, that let me do never so much Service, His Majesty shall never hear of it; whereas, if I should commit any fault, I must never be pardoned for it; all this I suffer in prudence, which, without it, I should not be able to endure.

I have supplicated His Majesty to order your most Reverend Lordship, to command an information to be taken, whether I did not publickly ask leave of the Embassadour, to kiss the King, and Queen of *Bohemia's* Hands, and whether he did not grant it me, and whether I have taken any pains here, or done any service, or whether I have been so much as once faulty, of which when His Majesty shall come to be informed, he will be sensible, how ill a thing he did, who said, I have nothing else to write, but that three of the Prelates are absent, without telling how, or for what, and that on purpose to make His Majesty angry with me. Besides, I being so much your most Reverend Lordship's Servant, have cause to complain of your Lordship likewise, for your having consented to my having been thus affronted in the middle of a Council, and that to me who deserved favours and thanks, an angry Letter from His Majesty should be delivered

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vered instead of them, for it would have been just to have known first what I had to say for my self.

I must desire your most Reverend Lordship, to acquaint His Majesty with my being certain, that *Don Francisco de Toledo* is none of my friend, though for no other reason that I can think of; but because he cannot endure, that any Person besides himself, should advise His Majesty of any thing.

I shall likewise esteem it a great Favour, if your most Reverend Lordship would let me know how I must behave my self, in the way we are treated by the Embassadour; who, whenever he pleaseth commands us to go to his House, and to accompany him thither on foot. On which occasions he walks before, and the Prelates follow him in the Croud of his Pages and Servants, and as it does not look very well to see a Company of Ancient Prelates, as it were dragged along by his Livery-men, so it is inconvenient likewise in seeming to lessen the Liberty and Authority of the Prelates; not but that if I were sure it were for His Majesty's Service, I would be ready to do it upon my Knees, but if it is not, I desire your most Reverend Lordship to let me know so much. Our Lord preserve your most Illustrious Lordship's most Reverend Person, and increase your State.

From *Trent* the
20th of *January*, 1552.

Most Illustrious Lord, I do kiss

Your most Reverend Hands.

Your Servant,

The Bishop of Oren.

*Tractatus à Doctore Varga conscriptus
contra Clausulam perniciosam à Legato
in Doctrinam Ordinis intrusa meditus
è Manuscripto.*

IN Doctrina de Sacramento Ordinis, cap. 3. displicet nobis vehementer illa Clausula: *Nam ut illa sub uno supremo rectore varios & diversos ministrantium continet ordines, ita visibilis Christi Ecclesia summum ipsius vicarium, pro unico & supremo capite in terris habet, cujus dispensatione sic reliquis omnibus membris officia distribuuntur ut suis quæque in ordinibus & stationibus collocata munera sua, in totius Ecclesiæ utilitatem, cum maxima pace & unione, exequantur.*

Primum quod cum de Christo dixerit, *sub uno supremo Rectore*, de vicario ipsius dicit, *unicum & supremum caput*; quibus verbis plus aliquid tribuitur vicario in terris, quam ipsi Christo in cælis; majus nempe est esse *unicum* quam esse *unum*; esse *unicum* & *supremum*, quam esse *unum supremum*; esse *caput*, quam esse *Rectorem*. Deinde quoniam falsum est, *summum Pontificem* esse *unicum caput*, quemadmodum enim omnes Apostoli erant capita Ecclesiarum; ita & Apostolorum successores, licet summus Pontifex caput sit. Sic Amos 6. dicuntur *optimates capita Populorum*, sub uno tamen summo capite.

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Præterea cum *hoc capite* agatur de *Hierarchia Ecclesiastica*, multo aptius diceretur vicarius Christi hoc loco, *supremus Ecclesiæ Rector*, aut *Hierarcha* quam *caput*: sic enim & *Metaphoram* fugimus, quod in *Doctrina* quoad ejus fieri potest servandum est; & totius comparationis decorum servamus, dum sequentia antecedentibus quadrant.

Præterea illud gravius est quod subjungitur; *cujus dispensatione, &c.* læditur namque imprimis, *Ecclesiæ jus*, nam & tempore *Schismatis* quando *Concilium* congregatum, existentibus variis & ambiguis Pontificibus, potest *ipsum Concilium divino jure omnia Ecclesiæ officia providere*, præsertim quæ fuerint necessaria ad *pacem Ecclesiæ componendam*; & *vacante* etiam *sede* si oporteret aliquod *Ecclesiæ officium* interea *provideri* sine dubio *dispensatio summi Pontificis* non expectaretur.

Læditur quoque; *Episcoporum jus* ad quorum *providentiam* usque ab *Apostolis*, *minorum officiorum dispensatio* pertinuit, *inconsulto & Romano Pontifice*. Læditur tandem *jus patronatus* omnium *Laicorum & principum, & magistratum secularium*, qui, si eorum *officiorum* quorum sunt *patroni* dispensatio & distributio ad summum Pontificem, *jure divino* pertineret, coargui possent, quasi in *divina jura* irrupissent, si *inconsulto Romano Pontifice*, unum quodlibet in Ecclesia officium dispensarent; itaque in Concilio quod paratur *ad Schismata & Scandala Ecclesiæ tollenda*, non debet *Doctrina* tradi, quæ etiamsi vera esset, apparet manifestam viam, ut nova *Schismata, & scandala* oriantur.

Adde huc, quod cum hæc clausula quasi de facto loquatur; videtur *probare usum quotidianum in officiis distribuendis*, quem *emendatiorem Ecclesia Dei* hodie *desiderat*.

Postre-

Postremo si ingenuè fateri volumus, quod verum est, nec *de facto* nec *de jure*, dispensatione Romani Pontificis omnibus membris officia distribuuntur; non *de facto* quidem, quum manifestissimè constat, multa Ecclesie officia legitimè per alios quam per summum Pontificem administrari; *de jure* verò ante omnia exploratum est, quod retro diximus, post Apostolos multo tempore optimo jure sine summo Pontifice, non officia minora modo, verum & majora fuisse administrata; nec damnari potest antiquitas, tanquam Romani Pontificis potestatem usurpaverit. Item cum hæc causa inter Episcopos & summum Pontificem fuerit aliquando controversa, nonnulli menses ex Conventione Episcopis contigerunt; in quibus si officia Ecclesiastica distribuunt, jure suo utuntur. Falsò igitur Doctrina traderet, omnibus Ecclesie membris dispensatione Romani Pontificis officia distribui: Præterquam quod potestas vicario à Christo collata, in edificationem est, non in destructionem pro ratione & Evangelio, non contra rationem, & Evangelium; fieri autem non potest ut unus summus Pontifex omnibus membris ubique in toto Orbe, officia sua rectè & convenienter distribuatur: nullo igitur pacto credendum est à Christo accepisse potestatem quam rite & ad Ecclesie utilitatem administrare non potest; accepit nempe claves regni cœlorum; quare ea poterit quæ regnum cœlorum aperiant, at non ea quæ regnum cœlorum claudunt?

Ejusdem propemodum farinae est illa altera clausula in eodem capite; postremo, insigniter desipiunt & Dei regulas confundunt, &c. & illa item, inferiorum hæc divina potestas ad eos potius divina institutione spectare videatur, &c. qua Doctrina omne jus patronatus aboletur quorumcunque principum & aliorum Laicorum: Deinde jus Ecclesiarum eligendi sibi prelatos, & alia officia multa tollitur.

Quo

Quo tamen *jure* olim *Universæ Ecclesiæ* fruebantur: Et nunc etiam aliquæ utuntur. Non itaque ad Episcopos hujusmodi *electio aut nominatio* *divino jure* pertinet, nec eminenter ad summum Pontificem. Quod si diceretur, *Confirmatio electionis* ad Episcopos & summum Pontificem spectare res haberet probabilitatem quandam; sed quod *electio & nominatio divina institutione* pertineat ad Episcopos & summum Pontificem, nè verisimile quidem est.

Sunt autem præter has aliæ Causæ, propter quas cum hæc tum illa superior clausula sit expungenda; prima Causa est, quod hujusmodi doctrina, quæ videlicet in his clausulis traditur est *importuna* temporis in quo *de recipiendis Lutheranis Ecclesia agitur, & parturit donec si fieri potest reformetur Christus in illis*, nulla autem doctrina à Concilio prodire posset, quæ eorum animos magis abalienaret, nec ulla alia est, quæ illis plures occasiones & calumniandi & obloquendi suppeditaret. Itaque abstinendum est in præsentia ab ea doctrina quæ cum maxime invidiosa Lutheranis, sic minime Catholicis est necessaria.

Secunda causa est, quod illa doctrina est *importuna loco*, cum enim duplex sit in Ecclesia *potestas*, altera *ordinis*, altera *Jurisdictionis*, *Hierarchia* quidem quæ ex diversa *ordinis potestate* constituitur hujus loci propria est, ubi *de ordinis Sacramento* agitur; illa vero *Jurisdictionis* suum locum habet; nempe tunc cum de *Ecclesiæ potestate* definietur. Id si intelligunt adversarii, intelligent autem sine dubio, calumniabuntur hujusmodi *particulas* esse in doctrina *obtrusas & assutas* aliunde, *industria* aut *astutia* potius *humana*, à qua summopere abhorrere debet *Christiana simplicitas*, quæ in doctrina Catholica populo exhibenda semper à majoribus nostris servata

servata est. Idque eo magis calumniabuntur adversarii, si in priore illa clausula, considerarint, de *Deo in cælis* duo solum esse posita, quibus *cælestis Hierarchia* constare videretur: *Unum* erat quod illa *cælestis* sub *uno supremo rectore* ageret; alterum quod *varios & diversos ministrantium ordines* contineret: Ratio autem comparationis postulabat, ut in *Ecclesiæ Hierarchia* quæ ad illius *exemplar* exacta in terris dicitur, eadem duo explicarentur quæ in *exemplari* sunt posita; illud autem quod adjicitur, *cujus dispensatione omnibus membris*, &c. cum non fuerit in *cælesti illa Hierarchia* constitutum, videtur esse in *terrena Hierarchia* præter comparationis naturam de industria suppositum. Ita quæ de summi Pontificis potestate & dignitate in reliquis Conciliis habentur, non existimabuntur esse ex rerum consequentia definita, sed vel adjecta vel intrusa obiter --- *patribus quasi oscitantibus & dormientibus*.

Postremò causa est quod utraque res difficilis & perobscura sit, nec omnibus perspecta & cognita; indignum profecto est ut sine disputatione Theologorum, & examine, tanquam per insidias Prioribus subgeratur; ut nullo habito doctorum Theologorum consilio de hisce rebus definiant, quæ magnâ egebant disquisitione, deliberationeque: Quo fit ut Conciliorum in tradenda doctrina mirum in modum labefactetur Autoritas, dum hujus Concilii exemplo credentur ea firmiter credenda populo Christiano proposuisse, quæ nec disquisita prius à Theologis sunt, nec disputata: At testatur Lucas in Actis Apostolorum, factam esse *magnam conquisitionem* in Concilio, quando tamen & præsidebat Petrus; & Paulus, & Jacobus, & Johannes intererant: Quod si Apostoli in re etiam levi quæ illis erat per *Revelationem* explorata, priusquam defini-

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rent, adhibuerunt *disquisitionem non parvam*, quàm absurdum est, bone Deus, ut doctrina ingeratur à Concilio in re valde difficile, *nulla præcedente doctorum Theologorum disquisitione* ?

Tota igitur illa doctrina est de hoc loco tollenda, ut *vera* esset, at nè *vera* quidem est, quantum animi nostri conjectura colligere possumus ; nec existimet quisquam ; in Apostolicæ sedis invidiam hæc dicta esse, illam nempe si qui maxime veneramur ; quinetiam ut hujus sanctissimæ sedis dignitatem & authoritatem tueamur, nimirum quam à Christo jure optimo vendicat, nolumus quicquam in Ecclesia doceri, quo hujusmodi Authoritas contaminetur : Contaminatur autem, si aut *ementiti*, aut certe *ambigui* humanæ potestatis tituli, cum veris certisque divinis per hominum prudentiam confundantur ; igitur qui illam doctrinam volebat ingerere, Apostolicæ dignitatis violator existimandus est, nos potius defensores.

Tractatus alter ejusdem Vargæ contra eandem Clausulam ; è Manuscripto editus.

HÆC Doctrina definit multum, quia dum plurimum intenta est in *statuenda Hierarchia*, secundum *Jurisdictionem* nil statuit in *Hierarchia Ecclesiastica ex parte ordinis* quæ maxime impugnatur ab Hæreticis, & vere sacer principatus (undecunque respi-

respiciamus) est; & hoc sufficeret declarare ad confutationem Hæreticorum. Præterea cum nihil sit disputatum de modo istius *Hierarchiæ*, quantum ad *Jurisdictionem* supremæ Hierarchiæ, nec in canonicis aliquid de eo discernatur, videtur importune satis hic tractari: Præterea quod Catholicos non ædificat hæc clausula, & Ecclesiæ adversariis multum dabit scandalum, imò & doctis & piis viris. Quare nec loco, nec tempori videtur servire, imò multum nocere posset si sic poneretur: Ideò judicio meo supersedendum omnino esset ab hujusmodi determinatione, tollendâque omnino hanc clausulam censerem, de qua rectum judicium absque longa & diligenti tractatione sancta Synodus dare non debet, neque potest; quod si quis intendens in me calumniam, dicat; quid ergò, tu in dubium revocas summi Pontificis potestatem, quasi res esset quæ novo egeret scrutinio? Absit, imò sentio cum Ecclesia Catholica, esse Christi, & Petri legitimum successorem, & Ecclesiæ præsidem: Modus tamen & usus suæ potestatis à variis vario modo intelligitur, & quidem sine fidei Catholicæ præjudicio: Illud verò quod in clausula hac dicitur & affirmatur, ad usum & modum se extendere, & non solum ad statuendam potestatem, quis non videt: Quare non est, ut dixi, quod sic perfunctoriè res tractetur alioqui gravis, & inter doctores Catholicos controversa; quod nè quis putet id gratis à me dici, extremis, ut aiunt, digitis, Clausulæ sensum attingam; principio comparatio ista quæ fit Dei ad summum Pontificem, in Hierarchiæ principatu ut hic ponitur, multis posset videri immodica, insolens, & non multum Christiana, nec Evangelica, & ideò quodam modo ingrata Deo videri possit, qui maximos suæ Ecclesiæ præsidentes, ministros voluit nominare & esse; qui

major inter vos erit minister, &c. Adde quod plus videtur tribuere summo Pontifici, quam Deo: Nam Deum appellat summum rectorem, Pontificem autem summum & supremum caput: Imò plus videtur dicere qui dicit summum caput, quam qui summum rectorem; nam qui capitis nomen tribuit, subinde tribuere videtur, regimen, influentiam, superioritatem, & absolute necessariam dependentiam & colligantiam omnium membrorum inferiorum ad ipsum; qui autem rectorem dicit solum docet superintendentiam & superioritatem; item cum Christus sit caput supremum Ecclesiæ militantis sicut triumphantis, ipse nempe movet, influit thurismata gratiarum atque donorum in Ecclesia per spiritum sanctum suum qui in ea praefidet; ipse baptizat, ungit, consecrat, ordinat, facit Presbyteros & Episcopos, & hanc & visibilem potestatem ipse statuit, quantum ad principaliora sua membra: Attendite vos, inquit Paulus Episcopis provinciae Ephesinae, Universo gregi vestro, in quo posuit vos spiritus sanctus, Episcopos, regere Ecclesiam Dei; consequitur Christum proprie, & vere, & per se, caput unicum & supremum Ecclesiæ visibilem esse, Ephes. 1. Ipsum dedit caput super omnem Ecclesiam, quæ est corpus ipsius, & plenitudo ejus qui omnia in omnibus adimplet: Si igitur ipse est supremum caput in Ecclesia militante, quomodo absolute, & sine limitatione, dici potest quod summus Pontifex habeatur pro uno & supremo capite: Pugnat nempe pluralitas cum unitate, & duo, & suprema, sine limitatione dici nequaquam potest, maxime quando comparatio est inter Deum & creaturam, inter dominum & servum, inter summum Hierarcham & ministrum: Fugienda ergò sunt illa vocabula, quæ in scriptura & sanctis antiquis patribus, non leguntur, ut scandalo possint esse infirmis & Ecclesiæ adversariis,

versariis, nè sanctum pontificatus nomen apud vulgus suum magis traducant, quam huc usque traduxerunt, dicentes pro sui ingenii pervicacia, summum Pontificem cum Christo de primatu contendere: Præterea falsum aliquibus valde videtur, quod sicut *Deus* præsidet in cœlesti Hierarchia, ita *papa* in Ecclesiastica. Nam à *Deo* sic dependent omnia, ut si ipse non esset, omnia in nihilum redigerentur, nec haberent illius Hierarchiæ partes esse neque ordinem, eo quod pro arbitrio ejus, mutari possunt, & si ille volet everti. *Ipse dixit & facta sunt*, &c. At non sic in Hierarchia Ecclesiastica, nam *papa* defuncto, imò licet per tempus absens existeret, aut sedes vacaret; ordines tamen & thurismata mansissent in Ecclesia, nec subinde prorsus rueret, & subverteretur Ecclesiastica politia; adde quod pro arbitrio suo subvertere non posset Episcopatum aut Presbyteratum, ordines in Ecclesia, ex quo à *Deo* visibiliter status isti sunt constituti; adde etiam quod cum potestas ipsius sit ministerialis, & ad Ecclesiæ regimen externum nec non & ipsius Ecclesiæ utilitatem à *Deo* collata, certis regulis, certis limitibus, & repagulis debere contineri, nemo qui Evangelium, & antiquitatem Ecclesiæ novit, ignorat. Dedit nempe *Deus* illi, sicut aliis *Apostolis*, potestatem non ad destructionem sed ad adificationem, ut *Apostolus* docet 1 Cor. &c. Ad hæc cum secundum multos Catholicos doctores *papa incorrigibilis* & Ecclesiæ manifestus dilapidator est, corrigi possit, & in contumacia ab ipsa Ecclesia & Synodo generali deponi; quomodo in regimine sic indistincte comparari *Deo* potest, cum ille idem ipse sit, & anni ejus non deficiunt, nec est qui possit ei in sua Hierarchia resistere; hic vero possit ab hominibus in disciplina contineri: Et quod propter *Hæresim* hoc possit fieri, ab omnibus asseritur

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asseritur Theologis, tandem à sua Hierarchia iudicatur, quæ hæc statuit, & in eum exequi jure possit.

Præterea, cum casu *mortis*, aut *longæ absentiae papæ* aut *schismatis*, Synodus generalis illa potestate quam *immediate à Deo* habet creaverit Episcopos, deposuerit, ordines & alia officia distribuerit, uti in Concilio Chalcedonensi, & Constantiensi, & aliis generalibus Synodis, & provincialibus etiam, legimus esse factum; Synodus nempe X Toletana deposuit Episcopum Bracharensensem, etiam Concilium Triburiense deposuit alium; non ergò tam *exacte* ista dependent à *dispensatione* summi Pontificis, ut hic ponitur. Constat quoque ex Ecclesiæ antiquitate, juxta generalium Conciliorum antiqua instituta, in multis provinciis. Episcopos promotos esse cum electione cleri, & assensu populi, & finitimorum Episcoporum, & maxime Metropolitanorum, nullo habito recursum ad primam sedem, ut patet ex Synodo Toletanâ XII & orientalibus Ecclesiis antequam vitio Schismatis laborarent, quomodo ergò stare potest clausula illa, *Cujus dispensatione singula officia, &c.* Accedit his, quod licet *designatio particularis personæ ad Episcopatum* fateamur semper ab eo dependisse, simul cum materiæ limitatione prout modo fit, tamen *ordo ipse Episcopatus* pariter & *potestas* & Jurisdictio, eo ipso quod Episcopus designatur & Ecclesia applicatur à *Deo* immediate habere, multi docti affirmant: Quare quod ad tale jus consequitur, etiamnum habebitur, habebit plane, quamvis subordinatum summo pastori, non quidem ad libitum suum, sed pro utilitate Ecclesiæ moderatum; Episcopus ergò *divino jure* distribuit *officia, beneficia, ordines* in Ecclesia sua, cui præficitur, postquam præfectus est; nec potest sine causa jure hoc, quia divinum est, Episcopus abdicare. Non

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Non videtur ergò *Clausula illa* eo modo quo jacet simpliciter, vera esse; quare propter hæc, quæ magis ac magis, si opus fuerit, corroborabuntur, & alia quæ consultò, ut brevitati studeam, omitto, *Clausula hæc* videtur mihi omnino à Doctrina expungenda; quod si in tantum arridet *Hierarchiam Ecclesiasticam*, tum quantum ad *ordinem*, tum etiam quantum ad *jurisdictionem* attinet statuere, quod mihi etiam valde gratum est, sub hoc tenore videtur mihi posse statui.

Doctrina hæc à *Varga* confecta desideratur.

F I N I S.

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E R R A T A.

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